

08/06/2020

7/03/2020



STATE INFORMATION COMMISSION, KERALA
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A.P No. 1293(6)/2016/SIC
(File No.10069/SIC-G5/2016)

Present

Sri. Vinson M. Paul, Chief Information Commissioner

Shri. K. Roby,
Kambisseril, S.H. Minor Seminary Road,
Thrikkakkara P.O., Kochi 682 021

Appl Petitioner

Vs

1. The State Public Information Officer &
Section Officer, Department of Ship
Technology, Cochin University of Science &
Technology, Kochi 682 022
2. The Appellate Authority &
Head of the Department,
Department of Ship Technology,
Department Cochin University of Science &
Technology, Kochi 682 022

Respondents

Date of application U/s 6(1):	11.04.2016
Date of reply furnished:	02.05.2016
Date of first Appeal:	03.06.2016
Date of decision on the First Appeal:	22.06.2016
Date of filing second Appeal:	12.08.2016
Date of receipt of second Appeal:	16.08.2016
Date of Report called for by the Commission	29.09.2016
Date of report received in the Commission	26.10.2016
Hearing date and Place	06.03.2020, Video Conference Hall, Collectorate, EKM
Presence in the Hearing: SPIO	Present
Appellant	Present

ORDER

Appeal Petitioner Shri. K. Roby represented before the Commission that the 1st Respondent failed to furnish the name of the teacher against item 2 in his application. He also stated that the documents furnished were not attested and did not contain date, signature and name of the subject. The answer furnished to item 7 was incomplete. He also stated that the answers provided in response to items 8 and 9 were not correct. He further stated that the reply furnished by the 2nd Respondent directing him to return the copy for corrective action is not in accordance with the provisions of the Act. Similarly the direction of the 2nd Respondent that information relating to item 7 should be collected from permanent teachers only does not appear to be correct.

2. In his application submitted before the 1st Respondent, the Appellant sought the following information:

- i. Who taught the subject ST 402 Fluid Mechanics II. Furnish attested copy of the internal mark list of the subject
- ii. Who taught the subject ST 403 Analysis of Structures. Furnish attested copy of the internal mark list
- iii. Who taught the subject ST 404 Material Science. Furnish attested copy of internal mark list and so on numbering to 9 items.

Reply to the above application was furnished by the 1st Respondent. The Appellant filed his appeal before the 2nd Respondent stating that the reply was sent by ordinary post which does not ensure delivery. He also stated that the name of PIO was not furnished in the reply. With regard to item no 2, he stated that the name of the person who taught the subject was not furnished. He further stated that the copies of the documents furnished under the RTI were not attested with the signature and the seal of the PIO. Finally he stated that the information provided in items 8 and 9 were not proper. The above appeal was disposed of by the 2nd Respondent stating that RTI replies are to be sent by

ordinary post only. He directed the Appellant to send back the reply to the office of the 1st Respondent so as to furnish the name of the SPIO and relevant reference. The information sought by the Appellant in item 2 was furnished. The copy furnished to the Appellant was directed to be returned for affixing the seal and signature of the 1st Respondent. With regard to item no 7, it was stated that information as was actually provided by the concerned was furnished to the Appellant. With regard to item no 8, it was stated that copy of the examination rules could be obtained from the 1st Respondent. However, the public information officer is not required to deduce any conclusion from the material available with that authority. With regard to item 9, it was stated that the information sought by the Appellant does not come under purview of the RTI Act.

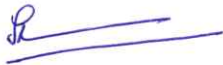
3. The Appellant who appeared for the hearing stated that his objection before the Commission related to items 8 and 9 in his application. In item 8, the Appellant sought information as to whether the teachers have the authority to assign internal mark for a student different from those obtained by adding the marks for attendance, assignment and test papers. If so, quote the relevant rules. The 1st Respondent furnished reply with regard to the above stating that the examination rules should be referred to with regard to the above requirement. The Commission finds that the Appellant has sought a clarification /explanation in the above item. The information provided by the 2nd Respondent in this regard is quite valid as the public information officer is not required to deduce any conclusion from the materials available with that public authority. The responsibility of the SPIO is to provide information as is available with the public authority. Clarification, interpretation, opinion etc. on materials are not considered 'information' as defined under sec 2 (f) of the RTI Act. as such the Commission does not find any lapse from the part of the Respondent with regard to the reply furnished to the above item. In item no 9, the Appellant stated that

as per the gazette notification, the sessional marks for the B.Tech. (NA & SB) course effective from 2010 admissions are to be made up of 50% for internal test, 40% for assignment etc. and 10 % for attendance. The Appellant asked as to whether it was true and if it was possible to deviate from the above procedure before publishing the changed procedure in the gazette. The 1st Respondent furnished reply to the above stating that interpretation of rule does not come in the purview of the RTI Act. The 2nd Respondent also concurred with the 1st Respondent in this regard. The Commission finds that the Appellant in his case has sought clarification/interpretation. It is not 'information' as defined under the RTI Act. The Commission does not find any lapse on the part of the 1st Respondent in this regard. Nevertheless, the decision of the 2nd Respondent that the Appellant should return the documents for attestation is not in accordance with the provisions of the RTI Act. If the 1st Respondent had failed to furnish information as warranted under the Act, such information should be furnished afresh free of cost. The Commission directs the 2nd Respondent to take note of the above so that such lapses do not recur. The Commission disposes of this appeal petition as stated above on the 07th day of March, 2020.

sd/-

Vinson M. Paul
Chief Information Commissioner

Authenticated Copy



Additional Secretary (Law)

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