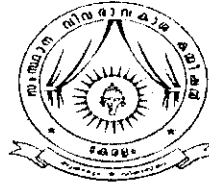


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**STATE INFORMATION COMMISSION, KERALA**  
**PUNNEN ROAD, THIRUVANANTHAPURAM 695 001**

**Email: sic@kerala.nic.in**

**Proceedings of the Appeal Petition No. 1976(1)/2021/SIC**  
**(File No.16904/SIC-Gen4/2021)**

**PRESENT**

**Dr. Vishwas Mehta, Chief Information Commissioner**

**Dated, 2022 March 4<sup>th</sup>**

Sri. Subrahmanya Nayak,  
S/o Venkatesha Nayak (Late),  
Durgamba Road, Mali House,  
Kanchikatte, P.O. Kumbla,  
Kasaragod - 671 321.

**Appellant**

1. The State Public Information Officer &  
Secretary,  
Kumbala Grama Panchayat,  
Kumbla P.O., Kasaragod - 671 124.
2. The Appellate Authority &  
Performance Audit Supervisor,  
Performance Audit Unit - 1,  
Madhur, Kasaragod.

**Respondents**

Date of application u/s 6(1)	18.8.2021
Date of reply	14.9.2021
Date of filing first Appeal	13.10.2021
Date of decision on the first Appeal	8.11.2021
Date of filing 2 <sup>nd</sup> appeal in the Commission	20.12.2021
Date of receipt of 2 <sup>nd</sup> appeal in the Commission	20.12.2021
Date of Report called for by the Commission	27.12.2021
Date of receipt of report in the Commission	15.1.2022, 20.1.2022
Date of hearing (Audio) conducted	2.3.2022
Presence in the Hearing : Appellant SPIO	Present Present

## **ORDER**

Appeal Petitioner Sri. Subramanya Nayak, in his 2<sup>nd</sup> appeal represented before the Commission that, in his RTI application dated 18/08/2021 submitted



before the 1<sup>st</sup> Respondent out of seven items, answer given by the Respondents to 1 & 2 items are unsatisfactory and requested to make available the answer requested and to take disciplinary action against the Respondent who violated the order of the 1<sup>st</sup> Appeal Authority and provided unsatisfactory answer to his RTI application.

2. In his RTI application submitted before the 1<sup>st</sup> Respondent, the Appeal Petitioner sought the following information in 1 and 2 items :

- i. Furnish copies of the Government order, circular, guideline issued in connection with the appointment Supervisor attached with the sand mining centres of rivers under the control of the Kumbla Panchayat.
- ii. Furnish copies of Government order/circular/guideline issued in connection with sand mining from the rivers under the control of the Kumbla Panchayat.

3. Reply to the above items were seen furnished by the 1<sup>st</sup> Respondent on 14.9.2021 stating that 'details of such matters are not available in the office'. Aggrieved by the reply received the Appellant filed his first appeal before second Respondent on 11.10.2021, stating that the Public Information Officer has provided unsatisfactory reply to the 1<sup>st</sup> and 2<sup>nd</sup> items of the RTI application. The Appeal Authority disposed appeal on 8.11.2021 with direction to the 1<sup>st</sup> Respondent to provide the available copies of the letters, Panchayat decisions issued in connection with the sand mining from the rivers under the control of the Kumbla Grama Panchayat within seven days to the Appellant at free of charge.

4. In the report furnished by the 1<sup>st</sup> Respondent before the Commission, it is stated that as per the direction of the Appellate Authority the copies of the documents have been furnished directly to the Appellant on 06.01.2022. The delay in complying with the orders of the Appeal Authority was due to the fact that the SPIO transferred on 29.10.2021 and his charges of SPIO along with the charge of Junior Superintendent were also handed over to the Accountant. Due to the heavy workload and shortage of staff caused delay in dispatching the reply and the delay was not happened knowingly or purposefully.

5. On scrutinizing the Appeal Petition and connected documents, the Commission on the opinion that the 1<sup>st</sup> Respondent has provided available information within the time limit. As mentioned in the RTI application,


the Panchayat Authority is not seen issued sanction order for sand mining from the river under the control of Kumbla Grama Panchayat and the said sand mining is being carried out through the Port Office. Panchayat authorities are directed to issue to the petitioner a copy of any Orders, Circulars or Guidelines received from the Government authorizing sand mining is carried out by the Port department.

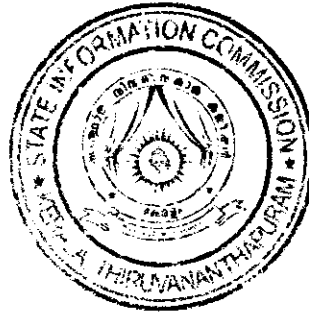
6. Commission also directs the 1<sup>st</sup> Respondent to furnish available copies of documents/Panchayat Minutes if any issued in connection with the appointment of a supervisor for sand mining from the river to the Appellant free of charge on or before 20/03/2022. The 1<sup>st</sup> Respondent should send the copies of the said orders to the Commission also for perusal.

7. The Commission disposes of this appeal petition as stated above on the 4<sup>th</sup> day of March, 2022.

Sd/  
Dr. Vishwas Mehta  
Chief Information Commissioner

Authenticated Copy

  
Commission Secretary



bnk/

