



RIGHT TO INFORMATION ACT-2005

TAMIL NADU INFORMATION COMMISSION

Kamadhenu Super Market I floor, Old No.273, New No.378, Anna Salai, Teynampet,
Chennai.600018 Telephone. 24357580

Case No. 10556/Enquiry/2009

Date of hearing at CHENNAI on 24.9.09

Present:

**Thiru S. Ramakrishnan, IAS (Retd)
State Chief Information Commissioner**

**Thiru G. Ramakrishnan, IAS (Retd)
State Information Commissioner**

Petitioner: Thiru A. Sethu
237 / 202 A, Periyar Pathai
Choolaimedu, Chennai.600094.

Public Authority The Public Information Officer,
o/o. Asst. Director of Geology & Mining
Kancheepuram.

Both the petitioner and the Public Authority were present.

The petitioner asked for voluminous mass of 50 queries ranging from the procedures for mines ranging in excavating the earth in the village asking for a lot of theoretical queries and a few specific queries for which he was given no reply and hence he appealed on 5.1.08. He got a reply on 11.1.08 from the PIO answering some of the queries. But not being happy with it, he appealed on 25.1.08. In the meantime on 22.1.08 the Appellate Authority also directed the PIO to supply the information asked for. Finally, as nothing was received, he appealed to the Commission on 3.4.08 resulting in today's enquiry. On receipt of the Enquiry Summon, on 17.9.09 the petitioner was given a reply for these

queries where he finds except query No.49, the other answers are acceptable for him. With regard to query No.49, the petitioner avers that while he has been told in the BDO's letter No. Na.Ka24/2008/A5 dated 9.9.08 that the plan asked for does not exist as approved by the Block Development Officer following the Collector's proceedings he was supplied a copy by the Public Authority. Hence this should be a fabricated document.

The Public Authority had no explanation for the delay in supply of information despite the Appellate Authority's directions to supply the information in time, except to state that it had taken place during his predecessor's period. The PIO however pointed out that for query No. 49, he has clearly stated in his reply that document as asked for does not exist but another plan as approved by the AE of the Block is found in the records and is being supplied herewith.

The Commission therefore comes to the conclusion that in so far as the allegation of fabrication for supply of records under query 49 goes it is not substantiated as the PIO has clearly stated that what he had supplied is a substitute document only.

The Commission also observes that the petitioner has asked for an unnecessary mass and vague information in 50 queries chocking up the Public Authority's time, and working hour without being specific about the type of information which alone he wants which is relevant to him. The Commission is unhappy that the RTI Act is not utilised as it should be but is being used as a substitute to cross examination in a Court of Law by asking of a mass of hypothetical and theoretical questions hoping to trap the Public Authority into contradictions of some fact. This is not a fair use of the Act.

The Commission however is unhappy with the delay in supply of information by the Public Authority despite of specific direction from the

Appellate Authority concerned.
this delay should be filed

The explanation of the Public Authority for

within 4 weeks time.

State Information Commission

Orders passed this day 15th October, 2009.
Under the Orders of the Commission.

Assistant Registrar

The Public Information Officer,
o/o. Asst. Director of Geology & Mining,
Kancheepuram.

Thiru A. Sethu,
237 / 202 A, Periyar Pathai,
Choolaimedu,
Chennai.600094.