



RIGHT TO INFORMATION ACT-2005

TAMIL NADU INFORMATION COMMISSION

Post Box No.6405

Kamadhenu Super Market First Floor, Old No.273, New No.378, Anna Salai,
Teynampet, Chennai – 600 018. Tel : 24357580

Case No.24211/Enquiry / 2009

Date of Enquiry : 27/01/2010

Present **Thiru.G.RAMAKRISHNAN, I.A.S.,(Retd)**
STATE INFORMATION COMMISSIONER

Petitioner **Thiru R. Dhanabalan**
S/o. Rangasamy Gounder
Mottaya Gounder Kadu
Attayampatty Main Road,
Vennandur Post
Namakkal District - 637 505.

Public Authority **The Public Information Officer**
O/o Executive Officer
Vennandur Town Panchayat
Vennandur Post
Namakkal District - 637 505.

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1. The petitioner has appealed to the Commission in his petition dt.25.09.2009 stating that the information asked for has not been supplied by the Public Information Officer and the first Appellate Authority also did not send any reply for his appeal petition.

2. The petitioner in his original R.T.I. petition dt.07.07.2009 has asked for information under Section 6 (1) as to what action has been taken by the Public Information Officer under Section 4 (1) (a), 4(1)(b), 4 (1) (c) and 4 (1)(d) and also under Section 4 (2) of the R.T.I. Act.

3. The Executive Officer, Vennandur Town Panchayat, Namakkal District has sent a reply on 06.08.2009 which is totally irrelevant and not acceptable. They have rejected the request under Section 4(1)(a) and 8 (e) of the R.T.I. Act. Section 4 (1)(a) is not for rejection of any request. It deals with the system of maintenance of records. Section 8 (e) is for rejecting the request of information on fiduciary relationship grounds. In this case, there is no fiduciary relationship involved and quoting Section 4(1)(a) is without application of mind and without reading the provisions of the Act properly. The Assistant Director, Town Panchayat who happens to be the Appellate Authority has also not rectified the situation by sending a proper reply to the petitioner.

4. Therefore, the Commission orders that the Public Information Officer shall,

- (a) supply the information requested by the petitioner within a week from the date of receipt of this order ;**
- (b) explain why a maximum fine of Rs.25,000/- as per the Act should not be imposed for rejecting the request of the petitioner on wrong grounds and wrong sections ;**
- (c) The Appellate Authority is also directed to explain why this case should not be recommended to the higher authority for taking suitable disciplinary action for his failure to deal with the appeal petition under the R.T.I. Act. The explanation should be received in the Commission within 15 days from the date of receipt of this order.**

5. During the course of the enquiry, the Public Authority has stated that the petitioner is in the habit of persistently asking for information causing unnecessary burden on the office. They have filed a statement dt.25.01.2010 detailing the number of petitions received by them, the number of queries and the date of supply of information. As per the statement, during the year 2009, the petitioner has asked for information on 19 petitions running to 297 queries and during the year 2010, he has already made 2 petitions running to 57 queries.

The representation made by the Public Authority has been taken into account by the Commission. **The Commission therefore advises the petitioner to keep in mind the likely stress and diversion of resources of the Public Authority while asking information from them. The R.T.I. Act definitely confers a legitimate right on any petitioner to ask for any information but at the same time, overall public interest should also be kept in mind while seeking information.**

TAMIL NADU INFORMATION COMMISSION

Orders approved on this
the 29th day of January. 2010

Under the orders of the Commission

[S,Mohanadhas]
Assistant Registrar

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Namakkal District - 637 505.

Case No. 24211/2009
The Assistant Director
Town Panchayat
Salem Zone, Salem - 7.

Case No. 24211/2009
The Public Information Officer
O/o Executive Officer
Vennandur Town Panchayat
Vennandur Post
Namakkal District - 637 505.