



MIZORAM INFORMATION COMMISSION
MINECO, KHATLA
MIZORAM : AIZAWL

Case No : S.A. 148/2024-MIC

Dated Aizawl the 14th February, 2025

Rustom Chakma
H. No.-8, Borapansury, po/ps
Borapansury, CADC,
Lawngtlai, Mizoram – 796770,
Mob : 8686457050

..... Appellant

Vs

Er. Netralal Jaisi,
SPIO & Executive Engineer,
PHED, EE, Lawngtlai WATSAN Division
Ph : 9436153094

..... Respondent

ORDER

1. The appellant filed an RTI application on 29.02.2024 seeking a copy of the declaration of moveable and immovable assets by Umacharan Chakma (Junior Engineer) as mandated under Chapter – XII, Section 43 of the Mizoram Lok Ayukta Act, 2014. Since he did not get any reply from the SPIO, he preferred First Appeal on 02.02.2024 to the Departmental Appellate Authority (DAA). As the DAA did not take any action on the matter, he approached this Commission by preferring Second Appeal. Hearing was held on 14.06.2024 wherein both the appellant and respondent appeared via Video Conferencing. The Commission order dated 14.06.2024 directed the respondent to provide the information by obtaining the information sought from the concerned public authority and furnish it to the appellant, free of cost, not later than 21.06.2024 with a copy to Mizoram Information Commission. The basis on which this decision was made (point no. 3 of MIC's order) is reproduced as under :-

As per the Mizoram Lokayukta (Amendment) Act 2024 (notified on 15.03.2024), **“Section 43 of the Principal Act shall be substituted by the following, namely:-43. On and from the date of commencement of this Act, every public servant shall make a declaration of his assets and liabilities in such form and manner as may be prescribed.”** Therefore, it appears that publishing of declaration of assets on the websites of departments by 31st August of that year as mandated in Section 43(6) of the Mizoram Lokayukta Act, 2014 is no longer required after the amendment became effective. However, as on the 29.02.2024, the date of the RTI application, the amended Section 43 was still in effect as in the Principal Act 2014 and the SPIO should have furnished the information or at least transfer the application to the authority holding the information with intimation to the RTI applicant.

2. On 08.07.2024, MIC received a letter dt. 21.06.2024 from the SPIO stating that the copy is not available in the public domain as it is filed by the individual through his own personal login ID and password into the SPARTAN reporting system provided by Vigilance Department, Government of Mizoram. In reply, he was informed by MIC on 11.07.2024 that PHED Secretariat is the cadre controlling authority of Group B (NG) officials and take necessary action for obtaining the copy of declaration of moveable and immovable asset of Mr. Umaran Chakma within 15 (fifteen) days of the receipt of MIC's letter. A copy of Vigilance's notification no. C. 31013/1/2018-VIG dt. 14.09.2023 and O.M. no. C.31013/1/2018-VOG dt. 29.09.2023 was also enclosed in the letter.

3. In the meantime, the appellant informed this Commission that despite MIC's order dated 14.06.2024, the SPIO has not supplied him the required information and requested to take necessary action against him. Vide letter no. W.11011/1/2022-EE (LTP)/54 dt. 10.12.2024, the SPIO had written a letter to the Secretary, PHED, Government of Mizoram to provide a copy of the record of declaration of moveable and immovable assets of Umacharan Chakma for onward submission to the appellant. The Under Secretary (A) PHED sent to MIC a copy of the declaration of the assets of the abovementioned official vide letter no.F.13011/1/2014-PHE/Pt dated 11.12.2024.

4. Vide Memo. No. S.A. 148/2024 dt. 20.12.2024, **Show Cause Notice** was issued to the respondent for non-compliance of MIC's order. In reply, the respondent vide No.W.11011/1/2022-EE (LTP)/57 dt. 08.01.2025 apologized for the lapse on his part and mentioned that since the information sought was not in his possession there was an inordinate delay in following up the matter with the Secretariat as he is stationed at Lawngtlai and there was a lot of pressure on account of his work and site visits to remote locations and the delay in providing the information was without any malafide intent.

5. The SPIO was given an opportunity to explain and justify his non-compliance of specific direction/order of the Commission by hearing him in person on 06.02.2025. The SPIO apologized for his lapses and requested for leniency and also promised that such non-compliance of specific directions of the Commission could not be repeated.

6. In view of the circumstances, since the interest of justice demands imposition of penalty on the respondent for his wilful disobedience and violation of the provisions of the RTI Act, 2005 and as the Commission considers non-compliance of its specific directions is deliberate obstruction to the flow of information under the RTI Act, which warrants imposition of maximum penalty. However, the Commission takes a lenient view, as the SPIO being a field officer and posted at a remote location having site visits at regular intervals in far flung areas, and also as this is the first instance where he has failed to comply this Commission's order, imposes a penalty of Rs 5,000/- (Rupees five thousand) only on Er. Netralal Jaisi, SPIO & Sr. EE, PHED, EE, Lawngtlai WATSAN Division.

The amount shall be deposited by way of Treasury Challan to the following head of accounts not later than 28.02.2025 (Friday) with a copy to Mizoram Information Commission.

- 0070 - Other Administrative Services**
- 60 - Other Services**
- 118 - Receipt under the RTI Act, 2005**

The case is disposed of accordingly. Copy of decision to be given, free of cost, to all parties.



(MANGJANGAM TOUTHANG)

Information Commissioner

Mizoram Information Commission



(JOHN NEIHLAIA)

Chief Information Commissioner

Mizoram Information Commission