

ORDER
(17.12.2009)

A complaint was submitted by Pu Selkhuma, Office Secretary, Mizoram Cultivator and Labour Union (MICLUN), Aizawl, against the SPIO of the Office of the Principal Chief Conservator of Forests (PCCF), Mizoram, for not giving the information requested for under the RTI Act, 2005. A complaint case was registered under No. C. 44/09-MSIC.

The short fact of the case is that a request had been made by the Office Secretary, MICLUN, to the SPIO of the Office of the Principal Chief Conservator of Forests, Mizoram, to give certain information relating to zoological garden under the Department during the period 1986-2006. However, as the required information was not given to the applicant by the SPIO, a complaint was lodged with the State Information Commission to get the required information. The SPIO of the Office of the PCCF was noticed to appear before the Commission on 17.11.2009 with the required information. In the course of hearing, the SPIO submitted photocopy of replies sent to the applicant and copy of letter transferring the application to the Divisional Conservator of Forests (WL), who is also SAPIO. The SAPIO, who was summoned to appear before the Commission on 26.11.2009, submitted a 10-point action taken report, stating that the required information has already been given. With this culmination, the complaint stands disposed of.

However, the SPIO was served with a penalty notice as to why a penalty of Rs. 250/- per day subject to a maximum of Rs. 25,000/- will not be levied on him for his failure to transfer the information application to the SAPIO within the specified time, i.e., 5 days from receipt of the application, thereby leading to delay in furnishing the required information to the applicant. The SPIO was also required to appear before the Commission on 15.12.2009 and to submit a statement before hearing. The SPIO appeared on 15.12.2009 and was heard.

On examination of the statement submitted by the SPIO, it was seen that the original application dt. 17.9.2009 was submitted to the SPIO on 18.9.2009 and the same was transferred to the SAPIO on the same day for furnishing the information directly to the applicant. However, there was a typing mistake in the letter indicating the date of sending of the application as 10.8.2009 which should be 19.9.2009 due to which the SPIO seemed to have kept the original application for more than a month in his custody which ultimately led to penalty notice served on him.

In the foregoing discussion, the Commission found that there was no delay in sending the application to the SAPIO for which the SPIO was served with penalty notice. Accordingly, the penalty notice served on the SPIO is withdrawn.

Ordered accordingly.


(K. TLANTHANGA)
Information Commissioner




(ROBERT HRANGDAWLA)
Chief Information Commissioner