

No. C. 28/08-MSIC
MIZORAM STATE INFORMATION COMMISSION
KHATLA : AIZAWL

Lalkohhrana,
Republic Veng, Aizawl

Complainant

Vrs

SPIO, Deputy Commissioner's Office
Aizawl District, Aizawl.

... Respondent

ORDER
(15.10.2008)

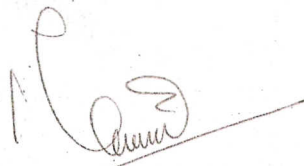
A complaint has been submitted by Lalkohhrana, Republic Veng, Aizawl, against the SPIO of the Deputy Commissioner's Office, Aizawl, for not giving the information requested for. A complaint case was registered under No. C. 28/08-MSIC.

The short fact of the case is that the complainant-applicant requested the SPIO of the Deputy Commissioner's Office, Aizawl, to give detailed information on expenditure incurred under MP's Local Area Development Fund by Pu Vanlalzawma, Member of Lok Sabha, and Pu Lalhmingliana, Member of Rajya Sabha within Aizawl District during 1st March, 2007 to 1st July, 2008. However, as the information requested for was not given to the applicant, a complaint was lodged with the Information Commission for getting the required information.

The SPIO of the Deputy Commissioner's Office, Aizawl, was noticed to appear before the Commission on 3.10.2008 with all related documents in original. However, the SPIO did not appear and fresh date was fixed on 10.10.2008 in which the Deputy Commissioner was noticed to submit all related documents in original to the Commission personally or through the SPIO. The Additional Deputy Commissioner, Aizawl, Pu J. Hmingthanmawia, appeared before the Commission on 10.10.2008 and submitted required documents to the Commission for perusal. The Additional Deputy Commissioner informed the Commission that the designated SPIO of the Deputy Commissioner's Office was transferred on 12.9.2008 and a new SPIO has not been designated by the Government despite a proposal submitted to it. Therefore, the Office of the Deputy Commissioner, Aizawl, is presently without designated SPIO that should issue required information to the applicant. As such, the required information was not given to the complainant-applicant.



The Commission considered the explanation of the Additional Deputy Commissioner, Aizawl, and the circumstances under which the required information was not given to the applicant. The Commission also noted that appointment of a new SPIO has not been made till date and that there is a vacuum period between the transfer of the designated SPIO and appointment of a new SPIO during which no information could be given to the applicant for want of SPIO. The Commission opined that the reason for not giving the required information during the vacuum period as explained by the Additional Deputy Commissioner has certain merits and cannot be considered as 'failure to provide information without any reasonable cause.' In the circumstances, the Commission does not recommend penalty on a particular officer of the Deputy Commissioner's Office for inaction during the vacuum period. However, there is nothing on the record to show that the information requested for comes under either Section 8 or Section 9 of the RTI Act. Therefore, the Additional Deputy Commissioner, Aizawl District, Aizawl, is directed to give certified copies of the information required by the complainant-applicant within 7 (seven) days from receipt of this order under intimation to the Commission.



(K. TLANTHANGA)
Information Commissioner



(ROBERT HRANGDAWLA)
Chief Information Commissioner

