

No. C. 48/2010-MSIC
MIZORAM INFORMATION COMMISSION
KHATLA : AIZAWL

Durjya Dhan Chakma,
Kamalanagar II,
Chawngte.

Complainant

Vrs

SPIO & Under Secretary,
Parliamentary Affairs Department,
Mizoram, Aizawl.

Respondent.

ORDER
(4.6.2010)

A complaint was submitted by Durjya Dhan Chakma, Kamalanagar II, Chawngte, against the SPIO of the Parliamentary Affairs Department for not transferring his application to the SPIO of the Chakma Autonomous District Council (CADC) within the specified time as provided under the RTI Act, 2005. A complaint case was registered under No. C. 49/2010-MSIC.

The short fact of the case is that the complainant-applicant requested the SPIO of the Parliamentary Affairs Department to give certain information regarding utilization of Annual Plan Scheme under Chakma Autonomous District Council during 2009-10, etc. However, the required information falling under the purview of the SPIO of the CADC, the application was to be transferred to the SPIO of the MADC within 5 days as provided under the RTI Act. As the application was not transferred to the SPIO of the CADC within the specified time, the complainant lodged a complaint with the State Information Commission to take appropriate action on the defaulting SPIO.

A show cause notice was served on the SPIO of the Parliamentary Affairs Department as to why a penalty under Section 20 of the RTI Act will not be imposed on him for not transferring the application within the specified time. The SPIO was required to submit his statement within 7 days. In his statement, the SPIO stated that the application was received on 29.3.2010 and, as the required information pertained to the CADC, the same was called for from Executive Secretary of the CADC on 1.4.2010. The Executive Secretary, CADC, however, requested for transfer of the application to the SPIO of the CADC who will provide the information direct to the applicant. The letter of the Executive Secretary, CADC, issued on 12.4.2010, was received on 26.4.2010. The application, therefore, was transferred to the Executive Secretary of the CADC on 28.4.2010 under intimation to the applicant. The SPIO, therefore, stated that he acted bona fide and that there was no delay in transferring the information sought by the appellant.

On careful consideration of the statement of the SPIO, the Commission opined that the SPIO acted instantly to collect the information without, however, knowing to transfer the application which was held by another public authority for which he cannot be held responsible for his ignorance. The Commission further found that there appeared to be no mala fide intention or refusal to give the required information to the applicant and the SPIO acted bonafidely in collecting the information. In the circumstances, the imposition of penalty proposed on the SPIO is revoked and the case stands disposed of.




(K. TLANTHANGA)
Information Commissioner