

No. C. 18/08-MSIC
MIZORAM STATE INFORMATION COMMISSION
KHATLA : AIZAWL

ORDER
(4.9.2008)

A complaint was filed by Lalnunnema Ralte, Armed Veng, against Joint Director & SPIO of Directorate of Health Services, Mizoram, for non-supply of information requested for by the complainant. A case was registered under Section 18 of the RTI Act, 2005. Having considered the case of the complainant and the stand of the SPIO, the Commission passed an order on 20.6.2008 that the required information asked for by the complainant should be given by the SPIO within 7 days from the date of issue of the order. However, the Commission found that the SPIO did not furnish information under sub-section (1) of Section 7 of the RTI Act. Accordingly, the SPIO was given show cause notice as to why a penalty should not be imposed on him under Section 20 of the RTI Act. The Commission made the following finding in that order :

“On careful examination of the case, the Commission found that the SPIO neither complied with Section 7(2) of the RTI Act by not making order/decision nor giving rejection under Section 8 & 9 of the said Act. At the same time, the Commission also noticed that the same information requested by Lalhmachhuana, Chaltlang, was also not given the required information. The Commission is of the opinion that failure to provide or denial to provide the information requested was intentional calling for penalty provisions under Section 20 of the RTI Act.

The SPIO was heard. The SPIO also submitted a reply to the show cause notice served on him. In the meantime, Indian Instruments Manufacturing Co., Kolkata, filed a writ petition in which stay order was issued by the Hon'ble Gauhati High Court, Aizawl Bench in Appeal No. 94 of 2008 dated 1.7.2008. The stay order was made operative till 4.7.2008. Copy of the order was received by the Commission on 8/7/2008. Owing to this stay order, the Commission thought it fit not to pass any order of penalty on the matter.

Now that the stay order has expired, the Commission finds that as provided under sub-section (1) of Section 20, a penalty shall be imposed at the rate of Rs. 250/- each day on the SPIO till application is received or information is furnished, the total amount of which shall not exceed Rs. 25,000/-. In compliance with the

provisions of sub-section (1) of Section 20 of the RTI Act, a penalty at the rate of Rs. 250/- per day from 22.4.2008, that is to say, the date after which limitation for giving information expired, subject to a maximum limit of Rs. 25,000/-, is imposed on the SPIO, Dr. Lalthanmawia, Jt. Director of Health Services, Mizoram. He is directed to deposit the amount of penalty by challan under '0070-Other Administrative Services; 60-Other Services; 118-Receipt under RTI Act, 2005,' and to submit the original copy of challan in proof of payment of the penalty within a period of 15 days from the date of receipt of this order.



(K. TLANTHANGA)
Information Commissioner



(ROBERT HRANGDAWLA)
Chief Information Commissioner

Memo No. C. 24/08-MSIC

Dated Aizawl, the 4th September, 2008.

Copy to:- 1) The Joint Director & SPIO, Directorate of Health Services, Mizoram, for information and compliance.



(R. VANLALDUHA)
Sr. PPS and Deputy Secretary,
Mizoram State Information Commission.