

No. C. 29/08-MSIC
MIZORAM STATE INFORMATION COMMISSION
KHATLA : AIZAWL

Benjamin Lalrintluanga, Dawrpui Vengthar, Aizawl ... Complainant

Vrs

Deputy Secretary & SPIO, ... Respondent
Information & Communication Technology,
Planning & Programme Implementation Department,
Mizoram.

ORDER
(9.1.2009)

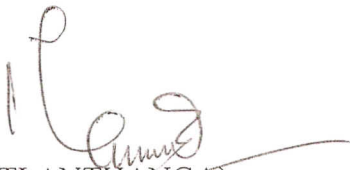
A complaint has been submitted by Benjamin Lalrintluanga, Dawrpui Vengthar, Aizawl, against the SPIO of Information & Communication Technology Wing of Planning and Programme Implementation Department, Mizoram, for not giving the required information. A complaint case was registered under No. C. 20/08-MSIC.

The short fact of the case is that the complainant requested the SPIO of Information & Communication Technology Wing of Planning and Programme Implementation Department to give information on appointment of UDC on contract basis under the Department. However, as the SPIO did not give the required information, the complainant lodged a complaint to the Information Commission for getting the required information.

The SPIO was noticed to appear before the Commission on 27.11.2008 with all related documents in original. However, the SPIO informed the Commission in writing that the required information has already been given to the complainant. The complainant was required to appear before the Commission on 4.11.2008 to specify if the information was given to him. The complainant appeared in person. He admitted receipt of the information. However, the complainant was aggrieved for not receiving the information within the prescribed limitation of 30 days. The Commission also noted that the information given to the complainant was not 'certified copy.' The SPIO was, therefore, required to explain before the Commission on 12.12.2008 as to why penalty will not be imposed on him under RTI Act for not giving the information within the prescribed limitation and for giving uncertified copy of information.

The SPIO appeared in person on 12.12.2008. The SPIO explained to the Commission that he was on leave at the time of submission of the application under Section 6(1) of the RTI Act, and since no SAPIO was designated under the Department, the required information could not be given to the applicant within the prescribed limitation. The SPIO also informed the Commission that there is no Government's letter notifying him as SPIO under the Department.

On careful consideration of the explanation of the SPIO, the Commission opines that the explanation has certain merits and the statement of the SPIO for not giving the required information within the specified time cannot be regarded as 'without reasonable cause.' Therefore, the notice of penalty served on the SPIO under Section 20 of the RTI Act is hereby withdrawn. The SPIO is, however, directed to take immediate action to notify SPIO and SAPIO under intimation to the Commission.



(K. TLANTHANGA)
Information Commissioner



(ROBERT HRANGDAWLA)
Chief Information Commissioner

