

No. C. 25/08-MSIC
MIZORAM STATE INFORMATION COMMISSION
KHATLA : AIZAWL

ORDER
(1.10.2008)


A complaint was filed by R.K. Zauva, Mission Vengthlang, against Under Secretary & SPIO of the Rural Development Secretariat, 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 taken by the the SPIO, the Commission passed an order on 10.9.2008 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, and the SPIO be given show cause notice to appear before the Commission as to why a penalty under Section 20 of the RTI Act should not be imposed on him for not giving the required information to the complainant. The Commission made the following finding in that order:


“Since the SPIO cannot substantiate his stand of not giving information to the complainant, the Commission finds that rejection of information by the SPIO to the complainant was without reasonable cause. And 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. 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 submitted a reply to the show cause notice served on him and he was also heard subsequently. Perusal of the reply of the SPIO indicates that he admitted guilt of not giving information to the complainant because of his wrong interpretation of Section 8(1)(h) of the RTI Act, 2005. This was confirmed when the SPIO had nothing more to say when he appeared before the Commission. In the circumstances, 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 information is furnished, the total amount of which shall not exceed Rs. 25,000/-. In compliance with the provision of sub-section (1) of Section 20 of the RTI Act, a penalty



at the rate of Rs. 250/- per day from 9.7.2008, i.e., the date after which limitation for giving information expired, subject to a maximum limit of Rs. 25,000/-, is imposed on the SPIO, David Lalthantluanga, Under Secretary, Rural Development Secretariat. The SPIO has intimated that in compliance with the Commission's order dated 10.9.2008 the complainant was given the required information on 19.9.2008. The starting point of penalty is 9.7.2008. The number of days from 9.7.2008 to 19.9.2008 for which penalty at the rate of Rs. 250/- per day has to be imposed is 72 days. Accordingly, the total amount of penalty comes to Rs. 18,000/-. The SPIO 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.



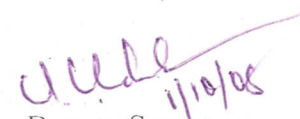

(K. TLANTHANGA)
Information Commissioner


(ROBERT HRANGDAWLA)
Chief Information Commissioner

Memo No. C. 25/08-MSIC

Dated Aizawl, the 1st October, 2008.

Copy to:- 1) The Under Secretary & SPIO, Rural Development Department, Mizoram,
for information and compliance.


Deputy Secretary,
Mizoram State Information Commission.