

No. C. 38/09-MSIC
MIZORAM STATE INFORMATION COMMISSION
KHATLA : AIZAWL

C. Vanlalhlimpaia, ... Complainant
Mual Veng, Hnahlan, Champhai District.

Vrs

SPIO, ... Respondent
Directorate of Rural Development,
Mizoram, Aizawl.

ORDER
(25.8.2009)

A complaint has been submitted by Pu C. Vanlalhlimpaia, Mual Veng, Hnahlan, against the SPIO of Rural Development Directorate for not giving the information requested for under RTI Act, 2005. A complaint case was registered under No. C. 38/09-MSIC.

The short fact of the case is that the complainant requested the SPIO of the Directorate of Rural Development Department to give information concerning the office of the Block Development Officer, Champhai, the National Rural Employment Guarantee Scheme and issue of Job Card. However, as the required information was not given to him by the SPIO, the complainant lodged a complaint with the State Information Commission to get the required information.

The SPIO was noticed to appear before the Commission on 24.8.2009 with all relevant documents in original. The SPIO appeared and was heard. In the course of hearing, it was informed that BDO, Champhai, is also designated as SPIO and, therefore, the information required from him should have been applied for to BDO, Champhai. (Instead of applying to BDO, Champhai, for information in relation to the office of the BDO, Champhai, the complainant had made an application to Directorate of Rural Development, Government of Mizoram). However, the information pertaining to the office of the BDO, Champhai, has already been given to the applicant and the case in that matter was disposed of.

When appropriate authority, namely, SPIO, Champhai (BDO), had not been approached by the complainant, any grievance against the said BDO, Champhai, is premature. And this paragraph of the complaint does not also relate to obtaining any information as such. Accordingly, paragraph 2 of the complaint stands dismissed.

Paragraph 3 of the complaint relates to non-compliance by the SPIO of the provisions of clause 2, Section 1 of Chapter 10 of NREGS wherein information asked for relating to NREGS, if RTI Act is involved, should be given within a period of 7 days. Needless to say, non-compliance of limitation under NREGS cannot be dictated under RTI Act, 2005. NREGS provisions cannot be converted into the provisions of the RTI Act, 2005. Moreover, this portion of the complaint is no longer a living issue as the information required has already been given to the complainant.



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The complainant has made his grievance on the suspicion that BDO (SAPIO), Champhai, has withheld the complainant's application for a Job Card under NREGS and requested for compensation from BDO. This suspicion seems to be more of an imagination, for, under NREGS, it is the VCP who is to issue Job Card in relation to persons in the village; BDO does not seem to be the appropriate authority to issue Job Card under NREGS. Accordingly, the complainant's grievance against the BDO (SAPIO), Champhai, seems misplaced and the question of granting compensation for loss of job and the resultant wages does not arise.

In view of the foregoing discussion, the complaint is disallowed.



(K.TLANTHANGA)
Information Commissioner



(ROBERT HRANGDAWLA)
Chief Information Commissioner

