

No.S.A.65/2015-MIC
MIZORAM INFORMATION COMMISSION
MIZORAM : AIZAWL

ORDER
(04.12.2019)

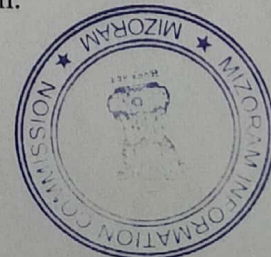
A Second Appeal was filed by Er. Rustom Chakma, Tirumala Sunbridge Apt., Flat No.501, Vittalwadi X Road, Narayanguda, Hyderabad – 500029 against the Public Information Officer, Chakma Autonomous District Council (CADC), Kamalanagar, Mizoram, citing that he received a reply to his RTI application after a lapse of nearly 3 (three) months with reason for failure to provide information which was not legitimately convincing. A case was registered under Section 19 of the RTI Act, 2005.

2. The short facts of the case are that the applicant sent his request to the State Chief Information Commissioner, Mizoram which was received by this Commission on 09.04.2018. He stated that he had sent an RTI application to the Public Information Officer, CADC (Mr.Prabin Chakma) on 08.12.2017 with a request to provide him certain information which are not exempted under RTI Act, 2005. He was not satisfied with the reply of the concerned PIO and preferred his first appeal to the DAA, CADC but he did not receive any positive response from him and requested this Commission for urgent intervention and take appropriate measures.

3. On 17.04.2018, this Commission informed Mr.Prabin Chakma, PIO, CADC to send his clarification within 10 (ten) days from the receipt of the letter as to why the required information was not supplied to the applicant within a stipulated time or failed to intimate the reasons for not supplying the required information within the stipulated time. It was intimated that a fine of Rs.250/-per day may or may not be charged upon him, to be deducted through his monthly salary, for each day exceeding the 30 days limit provided under the RTI Act, 2005.

4. On 11.06.2018, Reminder-I was sent to Mr.Prabin Chakma as this Commission did not receive his clarification and reminding him to send his clarification within 15 days from the receipt of the letter. He was also informed that if the Commission did not hear from him by 10th July, 2018, he was ordered to come to this Commission on 15th July 2018 to present his case as to why he should not be fined the maximum penalty as applicable in the RTI Act, 2005.

5. The Commission received the clarification of Mr.Prabin Chakma, PIO, CADC on 27.06.2018. Perusal of his clarification indicates that the PIO did not receive the letter dated 17.04.2018 of MIC and that the information requested by the applicant could not be given by him due to the fact that he did not receive any reply from the concerned Department (i.e. General Administration and Control Department, CADC). This Commission also informed the PIO, CADC on 23.07.2018 that MIC has accepted his clarification.



6. This Commission had also written to the Under Secretary, General Administration and Control Department, CADC on 23.07.2018 informing him to supply the requisite information or deny the information, clearly stating the reasons for refusal within 15 (fifteen) days from the date of receipt of this letter and to send clarification as to why he should not be fined Rs.250/- per day from the 31st day of receipt of the PIO's request for information till the date of supply of information as stipulated by the RTI Act, 2005.

7. On 08.08.2018, this Commission received clarification from the Under Secretary, General Administration and Control Department, CADC wherein he had stated that the requisite information has been supplied to the CDPIO, CADC vide L/No.I.10001/1/2017/CADC(RTI)/507 Dt.02.08.2018 and he also added that the said information could not be supplied in time because of the declaration of General Election of CADC and accordingly the election on 20.04.2018. MIC also considered his difficulties and took a lenient view on the matter but instructed him not to repeat in future.

8. On 30.08.2018, this Commission received another letter from the applicant, Er.Rustom Chakma wherein he stated that he received incomplete documents from the PIO, CADC via WhatsApp and also called up the Executive Secretary/DAA of CADC several times with no effect. He also stated that the PIO demanded for acknowledgement every time he sends a document and also makes extraneous excuse. MIC also received a letter from Prabin Chakma, PIO, CADC on 27.08.2018 wherein he stated the problems he faced on disposal of RTI request sought to be submitted by electronic medium due to poor network service in the area and sought advice on how to proceed with RTI application cases sought to be submitted by electronic means. On 30.08.2018, the Commission advised him to inform RTI applicants to use plain paper/postal service by explaining the lack of network being faced by their office. This Commission also informed the PIO, CADC to furnish the information by speed post with a copy to the Commission.

9. On 11.10.2018, this Commission received clarification from the PIO, CADC wherein he stated, among others, that he had sent the applicant an intimation to deposit further fees amounting to Rs.1200/- to the address given in his application. He also added that he will resend the said intimation to the address stated by us through registered post due to non-availability of speed post service at the post office at Chawngte. He also mentioned that the postal service in Kamalanagar is very irregular and that he had written to the Postmaster, Aizawl Head Post Office about it.

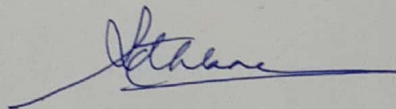
10. On 29.10.2018, this Commission had instructed the PIO, CADC to provide the information within 15 days from the receipt of the letter and waive the fees for providing information otherwise he will be fined Rs.250/- per day till the information sought for is furnished. This Commission again informed the PIO, CADC on 26.06.2019 to provide the information, free of cost, within 15 days from the receipt of the letter.

11. However, on 09.10.2019, the PIO, CADC had written to this Commission to re-consider and review the instruction to supply information free of charge to Er.Rustom Chakma.

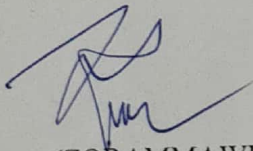


12. MIC had made a reasoned decision that delay of receipt of information sought under the RTI Act, whether through negligence of the SPIO or the Postal service should not be borne by the applicant. The PIO, CADC has not complied with the decision of the MIC. In the circumstances, the Commission finds that as provided under sub-section (1) of Section 20 of the RTI Act, 2005, an exemplary fine of Rs.2,500/- (Rupees two thousand five hundred), being equivalent to 10 (ten) days delay, shall be imposed on the PIO, Prabin Chakma, Chakma District Public Information Officer and Information & Public Relations Officer, Chakma Autonomous District Council. The PIO 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 the challan in proof of payment of the penalty within a period of 15 days from the receipt of this order.

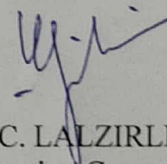
It is further ordered that the PIO, Prabin Chakma should furnish the required information/documents to the applicant free of cost within 15 days from issue of this order with a copy to the MIC, if not already done.



(LALDUHTHLANA RALTE)
Chief Information Commissioner



(ZORAMMAWIA)
Information Commissioner



(DR. C. LALZIRLIANA)
Information Commissioner

