File No. A/62(I)/SCIC-2015

MANIPUR INFORMATION COMMISSION

SECRETARIAT NORTH BLOCK
GROUND FLOOR, BEHIND WESTERN BLOCK
IMPHAL, MANIPUR

Appeal Case No.62 of 2015
Shri L. RomenMeetei

..... Appellant.

-Vs.-

The FAA/Director of Education (S)
Government of Manipur & 2 Ors.

.....Respondents.

Dates of hearing : 15-12-2015
28-12-2015
04-02-2016
20-02-2016
04-03-2016

Date of Decision: 16-03-2016.

D E C I S I O N

The respondents are represented by Shri L. Ishwarjit Sharma, OSD (RTI) and Smt. K. Gangarani Devi, OSD on the day of hearing and decision. The appellant is also present.

The appellant submitted that he had filed his RTI application to the SPIO/Directorate of Education (S) on 18-11-13 seeking some information on functioning of private schools in the state. Getting no response from the SPIO, he approached the FAA on 30-12-13. As both the SPIO and FAA did not respond to his request even after lapse of about 88 days and having no alternative he filed his second appeal on 13-2-14 to the Commission which was followed by a reminder dt. 28-11-15. The SPIO had given his response only on 14-12-15 after receiving notice of second appeal from the Commission. The appellant prayed before the Commission for directing the SPIO to provide genuine information and impose penalty against the SPIO for delay in providing information vide his rejoinder dt. 4-2-16.

During the hearings, the two representatives of the SPIO's submitted the written submission of the two SPIO's/Addl. Director of Education (S) (V) and SPIO/Addl. Director of Education (S) (H) dt. 2-3-15 and 1-3-16 respectively. And, regarding delay in furnishing information, it was stated that the SPIO in the office of the Addl. Director of Education (S) (V) had been changed 4 (four) times in a short period and during the renovation and shifting of the rooms allotted to them from time to time some files including the file for processing of the present RTI application got misplaced. It was further stated that while all the furniture in the rooms were evacuated and shifted, files were totally messed up. As such, it took some time in tracing out the files/RTI application and preparation of reply for the queries sought and the delay is unintentional but due to the inevitable circumstances and there was no malafide intention of denying the information to the appellant.

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After hearing both parties and perusal of case records, the Commission observes that the second appeal filed by the appellant on 13-2-14 could not be taken up in time due to non-functioning of the Commission. During this period, both FAA and SPIO(s) seems to be inactive in dealing with the RTI matters. The explanation given by both the SPIO/Addl. Director of Education (S) (V) and SPIO/Addl. Director of Education (S) (H) for delay in providing information lacks clarity as both the SPIO's did not explain in full the delay of about 25 months i.e. from the date of filing of RTI application till information was provided to the appellant by both the SPIO's on 14-12-15. The Commission further observes that even after one decade of its implementation, the Public Authority seems to be not well versed with the provisions of the RTI Act, 2005. However, the information as well as subsequent clarifications on the queries raised by the appellant has been settled even though very belatedly.

The Commission also observes that the frequent transfer of the SPIO causes delay and after lost of track of action of the Public Authority for providing information to the RTI petitioners within the mandated time. So the Commission is of the opinion that the Public Authority should analyse the effect of such frequent transfer of SPIO's in implementation of the provisions of the RTI Act and take up such corrective measures to avoid lapses in implementation of provisions of the RTI Act by the Public Authority in future. The findings and observations of this Commission in the present case should be considered by the Public Authority as a warning to FAA and SPIO(s) to avoid repetition of such unwanted and undesirable delays in providing information to the citizen of the country as per provisions of the RTI Act in future.

With the above observation and direction, the appeal case is disposed of.

Sd./-
Th. Ibobi Singh
State Chief Information Commissioner
Manipur Information Commission

Authenticated true copy:

16/3/2016

(S. Inao Singh)
Deputy Registrar (Judl.I)

Copy to:-

1. The Commissioner, Education (S), Govt. of Manipur.
   - For kind information and necessary action.
2. The First Appellate Authority/Director of Education (S), Govt. of Manipur
3. The SPIO/Addl. Director of Education (S/Valley), Govt. of Manipur.
4. The SPIO/Addl. Director of Education (S/Hills), Govt. of Manipur.
5. The SIO, NIC, Manipur
   -for uploading of the decision.
6. Shri Leishangthem Romen Meetei
   S/O (L) L. NimaiMeetei
   LangthabalLepMakhaLeikai, P.O. Canchipur
   P.S. Singjamei, Imphal West District, Manipur. Pin-795003