

## **MANIPUR INFORMATION COMMISSION IMPHAL**

### **Complaint (Appeal) Case no 104 of 2010**

**S. Ramhaoleng, Irong Tangkhul, Saikul T.D.Block Senapati District. Manipur, Appellant**

**Vrs**

**The Deputy Commissioner Senapati IS.P.I.O.Government of Manipur, Senapati**

**Imphal, the 15<sup>th</sup> November, 2010**

### **FACTS**

This appeal was preferred by the above appellant namely Mr. Ramhaoleng, Irong Tangkhul, Saikul T.D.Block Senapati District. Manipur, on the refusal of the S.P.I.O.to provide the information sought for, under the provisions of R.T.I. Act, 2005.The above appellant submitted an application on 2.9.2009 to the Deputy Commissioner Senapati, under the R.T.I.Act, 2005, requesting to furnish the following information -----

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**1. List of IAY beneficiaries for the year 2005—2006,2006-2007,2007-2008,2008-2009,2009-2010, with address/name of the village father's/husbands name by showing the phase wise/yearwise separately and clearly(waiting list may also be given in case of 2009-2010).**

**2. One xerox copy each of phase wise/year wise authenticated and certified sanctioned and released order copy of the IAY scheme for the above mentioned years.**

**3. One xerox copy each of APR of each and every beneficiaries for the above mentioned years.**

**4. One Xerox copy each of every sanctioned and released orders of NREGS additional fund since its inception/implementation upto August '09.**

**5. List/Name of villages benefited under additional fund of NREGS showing the amount clearly along with work programme orders since its inception/implementation upto August '09.**

**6. Sanctioned and released orders of NREGS materials component /costs since the inception/implementation of NREGS upto the date of receipt of this application.**

**7. List of village wise payment of material cost since the implementation /inception of NREGS upto August, 2009 showing the phase –wise payment very clearly, along with one Xerox copy each of APR for every payment.”**

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2. Having not received any response from the S.P.I.O. within the stipulated time, the above applicant submitted an application to the Appellate Authority /Commissioner, Rural Development, Govt. Manipur, on 6.11.2009 but that also was not responded, thereafter, the present appellant filed this appeal to this Commission on 29.7.2010. , on the basis of which a

show cause notice was served on the S.P.I.O, on 5.8.2010. Initially the case was taken up as a complaint case but, it was taken up as an appeal case, since 29.9.2010 as the nature of the case is that of an appeal. The case was taken up as an appeal case under section 19 of the R.T.I.Act, 2005, and heard on 17.9.2010, 16.10.2010, and 30.10.2010 after giving due notices to the parties.

3. The Deputy Commissioner, Senapati S.P.I.O. has not furnished the information till date and even though she has been asked to provide the information within ten days from 16.10.2010 with the warning that the penalty as prescribed in section 20 of the R.T.I.Act, 2005 may be imposed on her by this Commission's order dated 16.10.2010. But she did not pay any heed and did not furnish the information.

4. It is a fact that the S .P.I.O has failed to furnish the information even after a lapse of many months (from 2.9.2009 to 15.11.2010) therefore, she is liable for a maximum fine of Rest. 25,000(Rupee twenty five thousand) only for the said delay under the provisions of the Act. Further, because of the non furnishing of the information during the above period the appellant has to approach the Commission for redressal of his grievances and has to attend Commission ,many times, thus, causing detriment which needs to be compensated under the provisions of the R.T.I.Act,2005. It is confirmed that the S.P.I.O. / Deputy Commissioner, Senapati has failed to provide the information from 2<sup>nd</sup> September, 2009 to till date without any reasonable ground, even after giving her the direction to do so, thus, she violated the provisions of Section 7 of the R.T.I.Act, 2005; therefore, she is liable for penalty under Section 20(1) of the R.T.I.Act, 2005.

## **DECISION**

In the result stated above, the Commission orders that (a).the Deputy Commissioner Senapati S.P.I.O. should furnish the information sought for by the applicant vide his letter dated 2.9.2010 within a week from the receipt of this order failing which the penalty for recommendation of disciplinary action as prescribed in section 20(2) of the R.T.I.Act, 2005 may be imposed on her.

(b) That, the Deputy Commissioner, Senapati S.P.I.O. should pay a fine of Rs.25, 000 (Twenty five thousand) only, being the maximum fine for delay in providing the information from the date of application to till date, by depositing the amount in form of Challan under the Major Head of Account –0070—other Administrative Services within fifteen days from the receipt of this order, through the Treasury Officer Senapati.

(c) The appellant can approach the Commission again in case of any grievance on or before 30.11.2010

**Announced in open**

**R.K. Angousana Singh**  
**State Chief Information Commissioner, Manipur**

**Copy to-----**

- 1. The Chief Secretary Government of Manipur, Imphal,**
- 2. The Additional Chief Secretary (Rural Development) Government of Manipur, Imphal**
- 3. Ms. Nidhi Kesarwani I.A.S Deputy Commissioner, Senapati S.P.I.O. Government of Manipur, Senapati**
- 4. S. Ramhaoleng, Irong Tangkhul, Saikul T.D.Block Senapati District. Manipur, Appellant.**
- 5. The Treasury Officer, Senapati Government of Manipur Senapati.**