

MANIPUR INFORMATION COMMISSION
ROOM NO.81, SECRETARIAT NORTH BLOCK
GROUND FLOOR, MINISTERS BLOCK
IMPHAL, MANIPUR



Appeal Case No.15 of 2015
Shri A. Keshorjit Singh
Haobam Marak Irom Leikai, Imphal West.

..... Appellant.

-Vs.-

The SPIO/Director of Agriculture
Government of Manipur & Anr.

..... Respondents.

DECISION

Present on the days of hearing:

| | | |
|------------------|---|--|
| Appellant | : | in person along with Ms. K. Sanjubala, Advocate |
| For the FAA | : | Shri Y. Nrimolechand, Adv. and Shri U. Augusta, Adv. |
| For the SPIO | : | Shri A. Ibotombi Meitie, AAO |
| Date of hearing | : | 24-06-2015 |
| | | 31-07-2015 |
| | | 17-08-2015 |
| | | 22-08-2015 |
| | | 10-09-2015 |
| | | 21-09-2015 |
| | | 01-10-2015 |
| | | 28-10-2015 |
| Date of Decision | : | 16-11-2015. |

FACTS OF THE CASE:

The brief fact of the case is that the appellant had filed his RTI application dated 23-11-11 to the SPIO/Director of Agriculture thereby seeking certain information regarding the projects/schemes/programmes/activities implemented by the Agriculture Department for the period from 2005 to 2011. And, the then SPIO/Director of Agriculture Shri L. Palendro Singh vide letter dated 23-12-11 informed the information seeker to narrow down the requested information as the information sought are voluminous and not specific (ANNEXURE-A/2 to the Appeal).

On 16-1-12 and 22-9-14 the appellant had filed his 1st Appeal against the said decision of the SPIO dated 23-12-11 and approached the FAA/Commissioner (Agri) for the required information. Thereafter, the Govt. vide letters dated 1-9-14, 23-9-14 and 16-12-14 directed the SPIO/Director of Agriculture to furnish the information without any further delay.

The then Director of Agriculture Smt. S. Guneja Devi vide letter dated 9-12-14 intimated the FAA with copy marked to the Appellant that the information sought for are voluminous and not specific, and information sought by the Appellant at Paragraph No.2 is not implemented by the Department.

Now, the present Appeal Case is filed on 12-6-2015 against the First Appellate Authority/Commissioner (Agriculture), Government of Manipur and SPIO/Director of Agriculture, Government of Manipur for failure to furnish information within the time specified under the RTI Act, 2005.

During the pendency of the Appeal, the Spl. Secretary (Agriculture), Govt. of Manipur issued another O.M. dated 22-6-15 and directed the SPIO/Director of Agriculture to furnish the required information to the applicant as per rule.

PROCEEDINGS BEFORE THE COMMISSION:

The Appeal is taken up on 24/6/2015, 31-07-2015, 17-08-2015, 22-08-2015, 10-09-2015, 21-09-2015, 01-10-2015 and 28-10-2015, Shri A. Ibotombi Meitie, AAO, the representative of the SPIO has filed a written statement and submitted that for construction of the Capitol Project, the Agricultural Complex situated at Mantripukhri was demolished and various offices of the Department including the office which implemented the Schemes/Project for reclamation of acid soil pertaining to the RTI application were initially shifted from Mantripukhri to the Campus of the State Mechanised Farm, Lamphelpat temporarily. Thereafter, these offices were again shifted to the present office complex of the Agriculture Department at Sanjenthong. In the process of the said demolition and shifting of offices, all relevant documents relating to the information sought by the appellant have been lost and not traceable and as such, now the respondent is not in a position to furnish the information.

The Commission also directed the Special Secretary (Agriculture), Govt. of Manipur to conduct an enquiry, to ascertain the whereabouts of the office files/records connected with the RTI application and if found lost/untraceable, to find out the official responsible for it. And accordingly after making a thorough enquiry, the Deputy Secretary (Agriculture), Government of Manipur vide letter dt. 27-7-15 has submitted the enquiry report with a finding inter alia that the relevant files/records in question were misplaced/lost due to shifting and re-shifting of all documents/files pertaining to all offices located in the Mantripukhri Complex to the Barack of the State Mechanised Farm located at Lamphelpat (August-September, 2010) and then from there to the Godown of District Agriculture Officer, Imphal East (November-December, 2011). The report also mentioned that no official record is found directing the concerned scheme officers to furnish the required information within the time specified under the RTI Act, 2005 as soon as the original RTI application dt. 23-11-2011 was received by the SPIO.

CB



And, with regards to tracing out of the original file bearing No.AGM-1/2/RTI/08(Pt) containing the original RTI Application filed by the Appellant on 23-11-11 and original office copy of the reply sent to the appellant by the then Director (Agriculture) on 23-12-11, the SPIO has submitted an affidavit on 22-8-15 regarding the action taken report of tracing out of original file bearing No.AGM-1/2/RTI/08(Pt) containing the original RTI Application dated 23-11-11 and original office copy of the reply dt. 23-12-11 sent by the then Director (Agriculture).

The Respondent SPIO has submitted an additional affidavit on 10-9-15 stating wherein that the Appellant used BPL Card bearing No.29560, SI. No.778 while filing the RTI application and on verification from the DSO, CAF &PD, Imphal West District, it is learnt that the Appellant is actually holder of BPL Card (old) 062719 and (new) 28206. The Ld. Counsel of the appellant submitted the brief fact about the mode of making the said BPL cards by the authority and prayed for giving direction to the SPIO to provide the information and also to impose penalty against the SPIO under section 20(2) of the RTI Act as the SPIO is misleading the Commission by bringing facts/issues that was not raised during the time of RTI application and first appeal.

The Ld. Counsel of the FAA prayed before the Commission to dismiss the Appeal Case as the applicant had used two BPL cards. The representative of the SPIO also submitted that 18 RTI applications filed by the present appellant are pending in the Deptt. and at least 7/8 applications are filed with the same BPL card with that of the present case.

The AAO also submitted that the files containing the information sought by the appellant are accidentally lost and necessary affidavit in this regard along with enquiry report of the Secretariat, Agriculture Department had already been filed to the Commission. He further prayed to the Commission to pass an appropriate decision accordingly.

DECISION:

From the perusal of case records, it is revealed that that office file relating to the concerned RTI application seems to be handled directly by Shri L. Palendro Singh, Ex-Director of Agriculture and without hearing of the SPIO, the First Appellate Authority had passed orders and directed the SPIO to provide information to the appellant. And it is also revealed that the relevant files/records containing the information sought by the appellant were misplaced/lost due to shifting and re-shifting of all documents/files pertaining to all offices located in the Mantripukhri Complex to the Barack of the State Mechanised Farm located at Lamphelpat (August-September, 2010) and then from there to the Godown of District Agriculture Officer, Imphal East (November-December, 2011).

Now, the Commission is of the view that the relevant files containing the information sought by the appellant were accidentally lost as stated above and the Commission is not convinced of malafide intent of refusal of information by the PIO. Hence, no penalty is imposed. The Commission is also of the opinion, that had the factual position about accidental loss of the office file/records been informed to the appellant at the stage of filing RTI application or first appeal, he could have avoided such loss of time and energy to pursue the Second Appeal Case and the Commission feels that he needs to be compensated for the detriment caused to him.





Accordingly, this Commission directs the Public Authority to compensate the appellant with Rs.5000/- for the detriment caused to him within one month from the date of issuing of this order.

With the above observation, this Appeal Case is closed.

Announced in open Chamber.

Sd./-

Th. Abobi Singh
State Chief Information Commissioner
Manipur Information Commission

Authenticated true copy:

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



o/c

Copy to:-

1. The First Appellate Authority/Special Secretary (Agri). Govt. of Manipur
2. The SPIO, Directorate of Agriculture, Govt. of Manipur.
3. Shri A. Keshorjit
Haobam Marak Irom Leikai, P.O. Imphal-01, P.S. Singjamei

A.K. Keshorjit
dt 17.11.2015

Raja 17/11/15

A. Keshorjit. Sals
23/11/2015