

MEGHALAYA INFORMATION COMMISSION, SHILLONG

....

No. MIC/Complaint/86/2009/19,

Shri S.K.Sharma, 30 Chandan Nagar, Survey, Guwahati, 28 - Complainant

-Vrs-

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|--|---|-------------|
| 1. Shri C.K.Marak, P.I.O.,and Under Secretary, Govt. of Meghalaya,
Mining & Geology | } | Respondents |
| 2. Commissioner & Secretary & First Appellate Authority, Govt. of
Meghalaya, Mining & Geology Department. | | |

ORDER

16-10-2009: The complainant in this case is Shri S.K.Sharma of Guwahati.

The case of the complainant is that he had filed an R.T.I. application dated 19-5-2009 addressed to the Respondent-PIO seeking the following information:

(1) Number of applications for prospecting licenses received by the public authority from January, 2008 to March, 2009, the areas applied for and the areas granted for prospecting licenses.

(2) Number of applicants who were issued prospecting licenses and copies of such licenses.

(3) Copies of file notings of the processing of the applications for prospecting licenses in respect of Ms. Merrily Langrin of village Santapor and Shri Tanbor Khardiengngan of Mawpomblang village.

(4) The rules and reasons for reducing the area applied for in respect of the above two applicants, by the licensing authority.

Vide his letter No.MG.85/2005/480 Dated 18th June, 2009, the Respondent-PIO furnished the relevant information except the information at item (4). On further reference made by the complainant vide letter dated 30-7-2009 on information requested at para 4, the Respondent-PIO vide letter No. MG.85/2005/530 Dated 20-8-2009 indicated the reason but did not furnished copy of the relevant rules as requested by the complainant. Not satisfied with the overall response of the P.I.O., the complainant filed the instant complaint before the Commission on 15-9-2009.

On perusal of the complaint petition, the Commission is satisfied that there is ground for complaint and asked the Respondent-PIO to justify denial of information on the relevant rules relating the reduction of prospecting areas applied for by the applicant and also to show cause why penalty as provided by Law should not be imposed upon him for denial of such information to the complainant. The Commissioner & Secretary, Mining & Geology Department was also asked to show cause why compensation

of Rs.1000/- should not be awarded to the complainant for non-appearance by the P.I.O. during hearing of the case which resulted to detriment/losses suffered by him.

The Respondent-PIO in his show cause dated 13-10-2009 admitted that the information on the relevant rules is readily available and a copy of the said rule was inadvertently overlooked and was not furnished to the complainant. The Commission & Secretary, Mining & Geology Department, Govt. of Meghalaya in his show cause did not show sufficient ground for not awarding compensation as prayed for by the complainant. Having heard both the parties present in the Commission, the Commission decided as follows:

- (1) The Respondent-PIO shall furnish a copy of the relevant rules today itself i.e. the 16-10-2009 to the complainant free of cost.
- (2) The Respondent-PIO is liable for a penalty for denial of part of the information to the complainant with effect from 18-6-2009 till date. He should, therefore, pay a penalty amount of **Rs.3125/-** determined on the pro-rata basis and should deposit the same to the Govt. Treasury under the Head of Account **“0070-Other Administrative Services etc., 60-Other Services, 118-Receipt under the Right to Information Act, 2005 Volume – I as under:- (02) Fees & Fines for the Penalty Amount Imposed by the Commission”** within a period of 30 days from the date of this Order.
- (3) The Department of Mining & Geology, Govt. of Meghalaya is required to pay **compensation of Rs.1000/-** to the complainant within a period of 20 days.

Let a compliance report be furnished to this Commission by **20-11-2009**.

Case disposed of.

(G.P.Wahlang)

Chief Information Commissioner,
Meghalaya, Shillong.

Memo. No. MIC/Complaint/86/2009/19-A Dated Shillong, the 16th October, 2009
Copy forwarded to:-

- (1) The Commissioner & Secretary, Govt. of Meghalaya, Mining & Geology Department, Shillong (First Appellate Authority).
- (2) Shri C.K. Marak, Under Secretary, Govt. of Meghalaya, Mining & Geology Department, Shillong (PIO).
- (3) Shri S.K. Sharma, 30 Chandan Nagar, Survey, Guwhati, 28. (Mobile) 94351-44118.

(S.F.Khongwir)

Secretary,
Meghalaya Information Commission,
Shillong.