

Rs. 25 thousand fine on Tahasildar for not providing information under right to information

The Chief Information Commissioner (C.I.C.) Shri T.N. Shrivastava has imposed a fine of Rs. 25 thousand on tahasildar of Gyaraspur Shri H.S. Chouhan for not providing the information to an applicant within the time limit and for ignoring the State Information Commission. The Chief Information Commissioner has also recommended disciplinary action against the first appellate authority and Sub Divisional Officer, Gyaraspur Shri Sharad Shrotri for his conduct unbecoming of the dignity of his office. The Chief Information Commissioner has issued order to this effect.

The appellant Shri Manoj Kumar Sharma of Vidisha had made an application of December 5, 2005 seeking a certified copy of a mutation case pertaining to his land at village Chatauli under Right to Information. The officers delayed the matter and showed negligence. In his order, the Chief Information Commissioner gave details of the case and clarified that appellant had sought a certified copy of mutation register No. 17 on April 17, 1999. The Public Information Officer (tahasildar) not ignored it and took no action till the State Information Commission initiated action. The appellant should have received the information latest by January 4, 2006.

The Public Information Officer provided the certified copy, which was not complete, on April 20 2006. As the Public Information Officer knew that the Patwari had made a wrong entry about mutation on April 17, 1999, he should have informed of this to the appellant. He provided the copy of December 17, 1999 instead of April 17, which was not sought by him at all.

The Chief Information Commissioner held that the serious error committed by the Public Information Officer has harmed the right of the appellant. The officer took no measure to rectify the error either. He deliberately violated the provisions of the Right to Information Act and also provided wrong information to the State Information Commission.

In his order, the Chief Information officer in this case not only restricted information was provided that too 100 days after the prescribed time limit.

The Commissioner is convinced that the officer has ignored the Commission by not providing the information to the appellant by doing so. The Chief Information Commissioner directed that the tahasildar has to deposit the amount of fine within 30 days of issuance of the order. The collector, Vidisha would ensure that the amount is deposited and would report to the Commission.

The Chief Information Commissioner also found the conduct of the first appellate authority and the Sub Divisional Officer of Gyaraspur below dignity of his office. He failed to issue an order within the prescribed time limit. He passed the order only after receiving a notice for the State Information Commission. In his order the Sub Divisional Officer sought to defend the conduct of his subordinate employees, which had no justification.

Besides, he made false pretext for not appearing before the State Information Commission. As the Act has no provision for action against appellate authority he cannot be issued a show cause notice, but in the opinion of the Commission the Sub Divisional

Officer is not fit to discharge the responsibilities of that office. In view of his conduct the state government should take disciplinary action against him.

The Commission had fixed April 10, 2006 as the date for oral hearing of the case of original appeal. Separate notices were issued to both the officers to be present for the hearing. Separate letters were received from them that as the Chief Minister would be visiting Gyaraspur on April 10, they would not be able to be present there. The Commission sought information in this regard for the office of the Chief Minister. The office informed that the Chief Minister was not scheduled to attend any programme in Gyaraspur tahasil or Vidisha district on that date. It is, thus, clear that both the officers deliberately absented themselves from the Commission and gave a false reason for this.

<http://www.mpinfo.org/english/newsarch/2006/0506/26/n10.htm>