

No. S.A. 90/2022 – MIC
MIZORAM INFORMATION COMMISSION
MIZORAM NEW CAPITAL COMPLEX
KHATLA, AIZAWL

Pu C. Tlanthianghlina, : *Appellant*
Mission Veng,
Ph: 8486302041/8837473360,
Mizoram, Aizawl.

Pi Lalmuanpuii, : *Respondent*
State Public Information Officer (SPIO),
&
Under Secretary,
Vigilance Department,
Mizoram, Aizawl.

ORDER
(01.09.2022)

1. Pu C. Tlanthianghlina submitted an RTI application dt. 30.05.2022 to the SPIO, Vigilance Department seeking information on 3 (three) points: -
 - i) *Copy of Preliminary Enquiry Report submitted by Pu R. Lalnunmawia, DSP, Anti-Corruption Bureau to the Chief Vigilance Officer, Mizoram with respect to the alleged misappropriation of fund under CSS & SMS in DIET, Kolasib.*
 - ii) *Copies of all order(s)/communication(s) passed or made by the Chief Vigilance Officer, Mizoram with respect to the above (i), if any, may be furnished.*
 - iii) *All other relevant documents pertaining to the above (i) & (ii) may also be furnished.*
2. In reply, Pi Lalmuanpuii, SPIO/Under Secretary sent him letter No. B.12018/3/2017-VIG dt. 13.06.2022 stating that "the information relating to the internal communication between the officers of the public authority during the currency of an investigation cannot be disclosed in terms of Section 8 (1)(h) of the RTI Act, 2005, the information is declined". Not satisfied with the reply received, he preferred First Appeal dt. 07.07.2022 to the Departmental Appellate Authority (DAA), Vigilance Department with a request to furnish him the requested information. In this regard, hearing was held on 21.07.2022 in the office chamber of Pi Zothantluangi, DAA/Deputy Secretary wherein both the appellant and respondent were present. The DAA issued order no. B.12018/2/2018-VIG dt. 25.07.2022 where the decision made by the SPIO, Vigilance Department was upheld.

3. Feeling aggrieved with the decision made by the DAA, he preferred Second Appeal dt. 02.08.2022 to the Chief information Commissioner, MIC with a request in helping him get the required information. Summon was issued to the appellant and respondent to appear before the Commission on 22.08.2022 (Monday) at 12:00 noon. As scheduled, hearing was held in the office chamber of the Chief Information Commissioner wherein Pu Lalnunmawia Chuaungo, CIC and Pu Zoramawia, IC were present. The appellant and respondent were also present.
4. In the hearing, the appellant narrated his grievances on being denied information and mentioned that the objective of the RTI Act, 2005 is to secure access to information which are under the control of public authorities in order to promote transparency and accountability in the working of every public authority. That by denying information as per Section 8 (1)(h) of the RTI Act, 2005 which are clearly in the custody of Vigilance Department, the SPIO and DAA have acted not only against the provisions of the Act but also against its objectives and purpose. He also said that the SPIO and DAA should have clearly mentioned in the letter/order issued to him as to how furnishing of the information sought would impede the process of investigation. He also read out some decisions of the Central Information Commission and handed over to this Commission a copy of WP(C) No. 62 of 2015.
5. The respondent informed the Commission that regarding this case, investigation has been carried out thrice by three different officials from ACB who have submitted each of their findings and since it is found to be a prima facie case, the matter has been forwarded to Mizoram Lok Ayukta and a regular case has been registered. So, she is of the opinion that premature disclosure of the preliminary enquiry report could jeopardize the ongoing process of investigation.
6. After hearing both the parties, the Commission observed that as it is apparent that the mere existence of an investigation process cannot be a ground for refusal of the information sought, the authority denying information must give satisfactory reason(s) as to why furnishing of such information would hamper the investigation process. Therefore, it was decided that a second round of hearing be held on 31.08.2022 (Wednesday) at 12:00 noon informing the respondent to bring detailed clarification in support of her arguments that furnishing the requested information to the appellant would impede the investigation process of the case.
7. As scheduled, hearing was held and both the appellant and respondent were present. In the hearing, the respondent submitted to the Commission clarifications for not furnishing the requested information to the appellant citing 7 (seven) points wherein among other things it is mentioned that *the discovery of new documentary evidence and the supplementary statements of both the accused and cashier gives way for the investigating agency to look further in the matter which would help establish their investigation/case. That since investigation is not complete, releasing of information at this stage could seriously undermine the process of investigation and could delay or avert justice instead of securing justice and could hamper the outcome of the case.*

8. After hearing both the parties and after perusal of the clarifications submitted by the respondent, the Commission is of the view that as investigation is going on and charge sheet has not been finalized/served, the respondent's contention that providing information at this stage could jeopardize the ongoing investigation has substance. Therefore, **the SPIO's letter dated 13.06.2022 and the DAA's order dated 25.07.2022 are hereby upheld.**

The matter is disposed of accordingly. Copy of the decision to be given free of cost to the parties.



(ZORAMAWIA)

Information Commissioner
Mizoram Information Commission



(LALNUNMAWIA CHUAUNGO)

Chief Information Commissioner
Mizoram Information Commission

