

No. S.A. 100/2023 – MIC
MIZORAM INFORMATION COMMISSION
MIZORAM NEW CAPITAL COMPLEX
KHATLA, AIZAWL

Pu Lalhruaitluanga Bawitlung, : *Appellant*
H.No. A-3/25, Chhinga Veng,
Aizawl, Mizoram,
Ph: 8974741788.

Pu Laldinpuia (MFAS), : *Respondent*
State Public Information Officer (SPIO)
&
Deputy Secretary,
Finance Department (EA),
Ph: 9436153765.

ORDER
(22.02.2023)

1. Pu Lalhruaitluanga Bawitlung submitted Right to Information Act (RTI) application via Mizoram RTI Online to the SPIO, Finance Department seeking information on the following on 25.11.2022: -

“Kum 2014 atanga October, 2022 thleng Mizoram in revenue receipt kan neih hrang hrangte i.e., tax, non tax, grants-in-aid & Contribution, etc headwise & yearwise in a total amount min pe teh.”
2. Since he did not get any reply from the SPIO, the appellant preferred First Appeal on 28.12.2022 to the Departmental Appellate Authority (DAA), Finance Department. The DAA informed the appellant that the information sought for could be found on Finance Department's website and provided him the link to the website. The DAA also supplied documents pertaining to the information sought that has not been uploaded on their website.
3. Being not satisfied with the reply received from the DAA, the appellant preferred Second Appeal to MIC on 18.01.2023. Summon was issued to both the appellant and the respondent to appear before the Mizoram Information Commission on 21.02.2023 (Tuesday) at 12:00 Noon. As scheduled, hearing was held in the office chamber of the Chief Information Commissioner wherein both the appellant Pu Lalhruaitluanga Bawitlung and the respondent, Pu Laldinpuia were present.
4. In the hearing, the appellant informed the Commission about his grievances stating that he was denied information by the respondent within the stipulated period of thirty days as per Section 7(1) of the RTI Act, 2005 and also by the DAA with regard to his First Appeal dt. 28.12.2022. Instead, he was provided a link to Finance Department's website <https://finance.mizoram.gov.in> which for a layman like him is very confusing and difficult to understand. He also submitted a copy of his points of argument to the Commission.

5. The respondent apologized to the Commission for the lapses on their part stating that the time of receipt of the RTI application coincided with the starting of budget drive in Finance Department and there was some negligence in attending to it. Also, the dealing assistant had availed Earned Leave during this period. He also mentioned that he and Pu Ramchuana, DAA & Additional Secretary, Finance were on official tour during 11.12.2022 to 16.12.2022 at Pune, Maharashtra. Hence, reply was furnished by the DAA as the applicant had submitted his First Appeal by then. He also submitted a copy of his clarification to the Commission.
6. After hearing both the parties, the Commission observed the following: -
 - i) The work of SPIO is part and parcel of the work he performs as an officer of the Public Authority. He should be able to apportion time available to him on various activities entrusted to him and availability of inadequate time cannot be the basis for delay in disposal of request for information. Therefore, Pu Laldinpuia, SPIO may take note of this in future.
 - ii) The purpose of suo motu disclosure under Section 4 of the RTI Act, 2005 is to place large amount of information in public domain on a proactive basis to make the functioning of the Public Authorities more transparent and also to reduce the need for filing individual RTI applications. However, in this particular case, the appellant was just provided the link to the department's website instead of informing him in detail the exact location of the information sought. Such kind of lapse should be avoided in future by the Public Authorities to prevent confusion.
 - iii) Deciding appeals under the RTI Act, 2005 is a quasi-judicial function. As per Section 19 of the RTI Act, Pu Ramchuana, DAA should have conducted hearing and see to it that justice is not only done but should also appear to have been done. In order to do so, the order passed should be a speaking order giving justification of the decision arrived at. This may be noted for future.
7. In view of the above, **the Commission hereby directs that Pu Laldinpuia, SPIO & Deputy Secretary, Finance (EA) shall provide the required information, free of cost, to the appellant not later than 15.03.2023 (Wednesday) with a copy to Mizoram Information Commission.**

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

Sd/-
(LALNUNMAWIA CHUAUNGO)
Chief Information Commissioner
Mizoram Information Commission