

No. S.A. 107/2023 – MIC
MIZORAM INFORMATION COMMISSION
MIZORAM NEW CAPITAL COMPLEX
KHATLA, AIZAWL

Pu A.C. Zonunmawia, : *Appellant*
B27, Tuikual South,
Aizawl, Mizoram,
Ph: 9612082472.

Pi Lalhruaitluangi, : *Respondent*
State Public Information Officer (SPIO)
&
former District Local Administration Officer,
DLAO, Aizawl,
Ph: 9862614255.

ORDER
(06.04.2023)

1. The appellant viz Pu A.C. Zonunmawia submitted an RTI application to the SPIO & District Local Administration Officer, DLAO, Aizawl District on 18.12.2022 on the following: -

Photo copies of meeting/sitting minutes of Darlawn Venghlun Village Council from January to April 2022.

The SPIO furnished reply to the appellant stating, “*VC sitting minute hi office ah kan kawl ngai lo*” on 18.02.2023 i.e., after a lapse of more than 60 (sixty) days.

2. Being not satisfied with the reply, the appellant preferred First Appeal dt. 23.01.2023 to the Joint Director/Departmental Appellate Authority, LAD. As the DAA did not take action on the matter, the appellant preferred Second Appeal dt. 15.03.2023 to Mizoram Information Commission stating, “*VC Sitting minutes hi an call mai tur alawm. Controlling Authority in ni a*”.
3. Summon was issued to both the appellant and the respondent to appear before the Commission on 06.04.2023 (Wednesday) at 12:00 Noon. As scheduled, hearing was held wherein both the appellant and the respondent were present.
4. In the hearing, the appellant informed the Commission that since Village Council has not yet been notified as public authority under the ambit of the RTI Act, 2005, he submitted his RTI application to the SPIO, District Local Administration Office as it is the Controlling Authority of Village Councils. He also requested the Commission to help him get his requested information.

5. The SPIO informed the Commission that as her mobile phone was out of order, she was unable to get the SMS alert informing her receipt of RTI application and after repairing her mobile phone, she sent a reply to the appellant stating that they are not the custodian of the meeting minutes. She also mentioned that she had no idea that she could obtain the required information from the concerned Village Council and also apologized for the lapse on her part.
6. After hearing both the parties, the Commission observed the following: -
 - i) The SPIO should have provided the information within 30 (thirty) days from the receipt of the RTI application as per Section 7(1) of the RTI Act, 2005. Even if her mobile phone was out of order; she could access the online application from her Personal Computer. She is informed to be more alert when dealing with RTI applications in future.
 - ii) The First Appeal submitted to the Joint Director/DAA, LAD appears to be left unattended as no action on the matter was sent to the appellant. This is in violation of Section 19(6) of the RTI Act, 2005 as deciding appeals under the RTI Act is a quasi-judicial function. It is, therefore, necessary that the DAA should see to it that justice is not only done but it should also appear to have been done. In order to do so, the order passed by the DAA should be a speaking order giving justification for the decision arrived at.
 - iii) Both the SPIO and DAA need to note that RTI applications/appeals are to be given due importance as prescribed by the Law.
 - iv) As Village Councils come under the direct administrative supervision and control of the District Local Administration Office, the SPIO/DLAO, Aizawl is hereby directed to obtain the information even by calling the same from the subordinate office i.e., Village Council since the Government of Mizoram is yet to notify Village Councils as public authorities under the RTI Act, 2005.
7. In view of the above, the Commission hereby directs that **the SPIO shall provide the information, free of cost, to the appellant not later than 28.04.2023 (Friday) 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