No. S.A. 105/2023 – MIC
MIZORAM INFORMATION COMMISSION
MIZORAM NEW CAPITAL COMPLEX
KHATLA, AIZAWL

Pu K. Thangremsiam, : *Appellant*
Kanan Veng, Aizawl,
Ph: 8259982090.

Pu Remlalliana Hnamte, : *Respondent*
State Public Information Officer (SPIO)
&
Development Officer,
Sialkal Range Development Council

ORDER
(10.04.2023)

1. K. Thangremsiam submitted an RTI application to the SPIO & Under Secretary, General Administration Department (GAD) on 12.01.2023 on the following points: -

   i) *Details of Sialkal Range Development Council (SRDC) fund issued since 2019 to till date.*

   ii) *Details of Sialkal Range Development Council (SRDC) out funding and expenditure since 2019 to till date.*

   The SPIO & Under Secretary, GAD transferred the RTI application to the SPIO & Development Officer, SRDC on 13.02.2023.

2. Since the appellant did not receive any reply even after a lapse of more than 50 (fifty) days, he preferred First Appeal dt. 01.03.2023 to the Joint Secretary/DAA, GAD. In the meantime, the SPIO/Under Secretary, GAD informed him on 09.03.2023 that copies of his RTI application dt. 12.01.2023 and his First Appeal dt. 01.03.2023 have been forwarded to the SPIO, SRDC and that the required information would be provided by the latter at the earliest. The SPIO & Development Officer, SRDC furnished information to the appellant on 09.03.2023.

3. Being not satisfied with the information provided, the appellant preferred Second Appeal dt. 13.03.2023 to Mizoram Information Commission on grounds that the information he received from the SPIO, SRDC is vague and insufficient with regard to his questions. Summon was issued to both the appellant and respondent to appear before the Commission on 05.04.2023 (Wednesday) at 12:00 Noon. As scheduled, hearing was held in my office chamber wherein both the appellant and respondent were present.

4. In the hearing, the appellant narrated his grievances stating that he was furnished information by the SPIO/Development Officer, SRDC only on 09.03.2023 i.e., after a lapse of more than 50 (fifty) days of his RTI application and that too, vague and insufficient. He also mentioned that the information that he had sought were details of every transaction and expenditure pertaining to SRDC and requested to help him get his required information.

5. The respondent stated that since he holds dual charge of Development Officer, SRDC and Deputy Director, Land Revenue & Settlement Department, there was oversight of the RTI application and apologized for the lapse on his part. He also mentioned that since the information sought pertains to details of fund issued, expenditure, etc. in the absence of specific mention by the appellant, the information furnished would serve the purpose. He then submitted to the Commission a copy of the details of fund issued, expenditure of SRDC etc. since 2019 till date recently prepared/compiled by his office.

6. After hearing both the parties, the Commission observed the following: -

    i) As per Section 6(3) of the RTI Act, 2005, Pi S.T. Lalvensangi, SPIO/Under Secretary, General Administration Department should have transferred the RTI application to the concerned SPIO as soon as practicable but in no case later than 5 (five) days from the date of receipt of the application. In this case, she transferred the RTI application dt. 12.01.2023 to the SPIO, SRDC on 13.02.2023 i.e., after 32 (thirty-two) days from the date of receipt which is in contravention of the Act. She is warned not to repeat the same and ensure that RTI applications are not dealt with in a casual manner in future.

    ii) It appears that the First Appeal dt. 01.03.2023 was not dealt by the Joint Secretary/DAA, GAD which is a very serious lapse and negligence on the part of both Pi S.T. Lalvensangi, SPIO and Dr. Lalngura Tlau, DAA. Instead, the SPIO sent a letter dt. 09.03.2023 to the appellant informing that with reference to his First Appeal dt. 01.03.2023, the SPIO, SRDC has been reminded to furnish the required information at the earliest. This is in violation of the provisions of the RTI Act, 2005 in letter and spirit.

    iii) As per Section 19(6) of the RTI Act, 2005, deciding appeals 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. Dr. Lalngura Tlau, DAA is advised to be more mindful in handling RTI cases in future.

    iv) It is surprising that the SPIO & DAA, GAD are not conversant with the provisions of the RTI Act, 2005. However, since this is the first instance that has come to the knowledge of Mizoram Information Commission, the Commission would like to take this as a wake up call for itself as well as the SPIO & DAA, GAD to be taken note of for all future course of actions under the RTI Act, 2005.

v) In so far as the Second Appeal of Pu K. Thangremsiam is concerned, the SPIO/Development Officer, SRDC brought fairly detailed information which he stated could be given to the appellant. Therefore, **the Commission directs that Pu Remlalliana Hnamte, SPIO, SRDC shall provide the information to the appellant at the earliest, free of cost, in any case, not later than 1 (one) week with a copy to Mizoram Information Commission**.

If the appellant is still not satisfied with the information that is provided, he could seek such additional information by submitting a fresh RTI application.

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