

No. S.A. 112/2023 – MIC
MIZORAM INFORMATION COMMISSION
MIZORAM NEW CAPITAL COMPLEX
KHATLA, AIZAWL

Pu K.C. Lalthansanga, : *Appellant*
Mission Veng,
Aizawl, Mizoram,
Ph: 9774445836.

Dr. Lalthansangi Fanai, : *Respondent*
State Public Information Officer (SPIO)
&
Joint Director (Admn.),
Higher & Technical Education Department,
Ph: 8131050827.

ORDER
(22.05.2023)

1. Pu K.C. Lalthansanga submitted RTI application via Mizoram RTI Online on 05.02.2023 seeking information on the following points: -
 - i) *Higher & Technical Education department hnuaiah MNF sorkar tirh (2018) atanga tun (February 2023) thleng hian advertisement chhuah lova hna lak eng zat nge awm? Eng hnate nge? Eng agency/scheme hnuaiah nge? Tute nge lak an nih, an address nena min chhan theih chuan ka lawm hle ang.*
 - ii) *A chungka ka tarlan tak hun chhungah khian, H & TE department hnuaiah (central scheme & agency tiamin) contract hna (construction, repairing etc) pek chhuah dan kimchang — hna hming, contractor, amount, contract kalhmang (open tender, restricted etc), pek hun leh zawh hun nena min chhan theih chuan ka lawm hle bawh ang.*
 - iii) *H & TE hnuaia college-a subject hrang hranga post ruak (hnawh khah loh) awm dan te, college hrang hrang zirtirtute zingah regular, contract, part time lecturer eng zat nge awm (Mizo department bikah zirtirtu hming tarlan telh theih ni se) tih te min chhan theih chuan ka lawm ngawt ang.*
2. The SPIO furnished information on 22.03.2023 wherein she attached a PDF document for point no. 3 of the above-mentioned application. Not satisfied with the information provided by the SPIO, Pu K.C. Lalthansanga preferred First Appeal on 24.03.2023 as he is of the opinion that the information furnished is incomplete.
3. As the DAA did not take any action on the matter, Pu K.C. Lalthansanga preferred Second Appeal to Mizoram Information Commission on 04.05.2023. Summon was issued to both the appellant and the respondent to appear before the Mizoram Information Commission on 22.05.2023 (Monday) at 11:30 A.M. Hearing was held wherein the respondent appeared in person while the appellant did not appear.
4. In the hearing, the respondent came with the information which apparently would meet the information requested for by the appellant. She also apologized for the lapse on her part for failing to attach the second page of the reply while sending reply.

5. After hearing the respondent and from perusal of the appellant's appeal, the Commission observed the following: -

- i) The SPIO is required to provide the information available in the office as expeditiously as possible, and in any case within thirty days of the receipt of the request as per Section 7(1) of the RTI Act, 2005. In this case, information was provided after a lapse of more than 40 (forty) days and that too which is incomplete. This is in contravention of the provisions of the Act.
- ii) 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 DA'
- iii) A should be a speaking order giving justification for the decision arrived at. In this case, the DAA did not conduct any hearing nor responded to the appeal of the appellant which is against the spirit of the RTI Act. Pi Sangchhin Chinzah, IAS, DAA/Director is advised to be more mindful in handling RTI cases in future.
- iv) Both the SPIO and DAA need to note that RTI applications/appeals are to be given due importance as prescribed by the Law.

In view of the above, the Commission hereby directs that **Dr. Lalthansangi Fanai, SPIO & Jt. Director (Admn), Higher & Technical Education Department shall provide the information, free of cost, to the appellant immediately, in any case, not later than 29.05.2023 (Monday)** 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 all the parties.

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