

No. S.A. 113/2023 – MIC
MIZORAM INFORMATION COMMISSION
MIZORAM NEW CAPITAL COMPLEX
KHATLA, AIZAWL

Pu Jacob Khiangte, : *Appellant*
Near Judicial Quarters,
Khuangpuilam, Kolasib-796082,
Ph: 9774445836.

Pu Robert C. Lalhmangaiha, : *Respondent*
State Public Information Officer (SPIO)
&
Deputy Secretary,
General Administration Department (SAW),
Ph: 9862648914.

ORDER
(29.05.2023)

1. Pu Jacob Khiangte, Kolasib submitted RTI application via Mizoram RTI Online on 14.07.2022 to the SPIO & Deputy Secretary, General Administration Department seeking information on the following: -
 - i) *Mizoram MLA te hian PA leh PS engzat nge an neih theih?*
 - ii) *MLA Personal Assistant leh Personal Secretary te thlabi hlawh hi engzat nge?*
 - iii) *Mizoram MLA zawng zawngte PA leh PS zawng zawngte list leh an address theuh min pe thei em?*
2. The SPIO replied to the appellant on 02.09.2022 furnishing information for point no. 1 and no.2 of the RTI application. As he was not provided information for point no. 3, the appellant preferred First Appeal dt. 07.09.2022 stating, “*Zawhna 3-na min chhang lo.*”
3. As the DAA did not take any action on the matter, the appellant preferred Second Appeal dt. 13.05.2023. Summon was issued to both the appellant and the respondent to appear before the Mizoram Information Commission on 29.05.2023 (Monday) at 11:30 A.M. As scheduled, hearing was held wherein the respondent SPIO remained present while the appellant was absent.
4. In the hearing, the respondent informed that as the information required at point no.3 of the RTI application is not in the custody of the General Administration Department, it was not possible for them to give the information. He also apologized for not transferring the query to the concerned public authority.

5. After hearing the respondent SPIO and on perusal of the documents, my observations are as under:

- 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 45 (forty-five) days and that too which is incomplete. The SPIO should have transferred point no. 3 of the RTI application to the concerned SPIO if the information is not in their custody.
- 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 DAA 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. The DAA, GAD is advised to be more mindful in handling RTI cases in future.
- iii) It has been noticed that there have been several lapses on the part of GAD with regard to attending and disposal of RTI applications/First Appeals. Both the SPIO and DAA need to note that RTI cases are to be given due importance as prescribed by the Law.

In view of the above, the Commission hereby directs that **Pu Robert C. Lalhmangaiha, SPIO & Deputy Secretary, General Administration Department (SAW) shall transfer point no. 3 of the RTI application to the SPIO concerned immediately** 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