

No. S.A. 114/2023-MIC
MIZORAM INFORMATION COMMISSION
MIZORAM NEW CAPITAL COMPLEX
KHATLA, AIZAWL.

Pi Lalchawiliani, : Appellant
Ramhlun North,
Aizawl, Mizoram.
Ph. No. 8794751518/8486302041

Pu R.Lalngakliana, : Respondent
State Public Information Officer (SPIO)
&
Assistant Survey Officer,
Land Revenue & Settlement Department,
Aizawl District.
Ph. No. 8974842671

ORDER
(06.06.2023)

1. The appellant viz Pi Lalchawiliani submitted RTI application to the SPIO & Assistant Survey Officer, Land Revenue & Settlement Department seeking information on: -

“Copies of connected papers of LSC No. 637 of 2010 and LSC No. 639 of 2010 located at Ramhlun North, Aizawl”

2. The SPIO furnished reply on 28.03.2023 stating, ***“Information i dil, LSC No. 637 of 2010 and LSC No. 639 of 2010, Ramhlun ‘N’ connected papers hi office record-ah theih tawpa zawn a niin hmuh a ni lova, information i duh pek tur che kan neih loh avangin paw ikan ti hle a ni tih hriattir i ni e.”***
3. The appellant preferred First Appeal dt. 25.04.2023. The DAA replied by stating, ***“1st appeal i dilna LSC No. 637 of 2010 and LSC No. 639 of 2010 Loc: Ramhlun North hi Settlement Office, Aizawl District lam issue a nih avangin Directorate lam chuan connected documents te kan kaw lo a, chuvangin 1st appeal i dilna chhanna kan pe thei dawn lo che a ni tih kan han hriattir a che”***

4. Not satisfied with the reply received from the DAA, the appellant preferred Second Appeal to the Mizoram Information Commission on 24.05.2023. Summon was issued to both the appellant and the respondent (SPIO) to appear before the Commission on **05.06.2023 (Monday) at 12:00 Noon**. As scheduled, hearing was held wherein both the appellant and the respondent were present.
5. In the hearing the appellant requested the Commission to help her in getting the required information as she believes that the same would be available with the public authority.
6. The SPIO stated that after informing the appellant vide Memo No. A.11011/1/Vol-IV/2022-RTI/DC (REV) Dt. 28.02.2023 that the information sought is not available in their office they had rechecked all the related files and could locate the requested documents. Therefore, he will be able to furnish the same to the appellant.
7. After hearing both parties, my observations are as follows : -
 - (i) As per section 7 (I) of the RTI Act, 2005 the SPIO on receipt shall, as expeditiously as possible, and in any case within thirty days of the receipt of the request provide the information on payment of such fee as may be prescribed. However, in this case, even though the required information was available, the SPIO informed that the same is not available with them, which is against the spirit of the RTI. The SPIO should have adequate knowledge of record management prevailing with the Public Authority. He is also advised to be more careful in dealing with RTI applications in future.
 - (ii) Deciding appeals under the RTI Act is a quasi-judicial function as per section 19(6) of the Act. It is, therefore, necessary that the DAA should give opportunity of being heard to appellant and the respondent and 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, instead of hearing both parties, the DAA simply informed that the information sought pertains to the Settlement Office, Aizawl District and is not available in the Directorate of Land Revenue & Settlement. It appears that the DAA is not conversant with his role as the DAA. He is not required to provide the information sought by the appellant from his office itself. He could have simply passed order for the SPIO to provide the information if he is convinced that the same is available with the Public Authority concerned, after giving opportunity of being heard to the appellant and to the respondent. The DAA, LR & S Department is advised to be more mindful in handling RTI cases in future.

- (iii) 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 R Lalnghakliana, SPIO & Assistant Survey Officer, Land Revenue & Settlement Department, Aizawl District shall provide the information to the appellant, free of cost, not later than 19.06.2023 (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