



MIZORAM INFORMATION COMMISSION
MINECO, KHATLA,
MIZORAM: AIZAWL

No. S.A. 121/2023 – MIC

Dated Aizawl, the 10th November 2023

Lalawmpuia, : *Appellant*
Field Veng, Ngopa,
Ph: 9612227307.

Lallawmawma, : *Respondent*
State Public Information Officer (SPIO)
&
Addl. Deputy Commissioner,
DC's Office,
Mizoram, Saitual.
Ph: 9436142849.

ORDER
(10.11.2023)

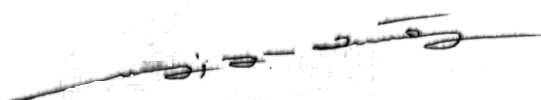
1. The appellant submitted RTI application (via Mizoram RTI Online) on 18.07.2023 seeking information on “3G of NH-102B, Package-II, Part-I (Ngopa) as on 17.02.2023 huam chhunga mimal tin document hrang hrang detail i.e., Passbook, LSC/VC Pass no te min lo ngaihtuah sak turin ka ngen a che”. The SPIO furnished reply on 23.08.2023 providing the appellant a list of the names of 315 (three hundred fifteen) people with their respective Land Pass Numbers. In the reply, the SPIO also informed the appellant stating, “Bank passbook hi mimal thil a ni a, a neitute phalna la hmasa lo chuan keini lo pek ngawt chi niin a lang lo.”
2. The appellant preferred First Appeal on 24.08.2023 wherein the DAA upheld the decision of the SPIO regarding disclosure of Bank Passbooks, however, he provided to the appellant a document containing 283 pages of detailed copies of LSC/VC pass within 3G of NH-102B, Package-II, Part-I (Ngopa). The appellant also submitted letter dated 13.10.2023 wherein he mentioned his suspicion of the fact that the information sought for is being tampered with. He also wrote that despite the SPIO receiving similar questions from different RTI applicants, different information is being furnished to them.
3. The appellant then preferred Second Appeal on 18.09.2023 as he was not satisfied with the information provided to him. In this regard, summon was issued to both the appellant and the respondent to appear before the Commission on 20.10.2023 (Friday) at 1:00 PM. However, since the SPIO & Addl. Deputy Commissioner was unable to leave his station owing to his duties in the General Election to MLA, hearing was re-scheduled for 10.11.2023 (Friday) at 1:00 PM. As scheduled, hearing was held in the chamber of the Chief Information Commissioner wherein both the appellant and the respondent were present. The appellant was accompanied by 5 (five) Office Bearers of Ngopa Ṭhalai Pawl.
4. In the hearing, the appellant narrated his grievances, brought forward evidences of discrepancies in the documents provided to him by the SPIO and also stated his concern for the absence of APRs (Actual Payee Receipts) in relation with the compensation disbursed.

5. The SPIO also presented his case informing the Commission that individual sanction orders for each amount to be credited to the recipients were no longer prepared by the office and that only the sanction order available is the one issued by Ministry of Road Transport & Highways, Government of India. He also informed that the Declaration/No Objection Certificate signed by each individual recipient was treated as APRs.
6. After hearing the both the parties, the Commission observes 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.
 - 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 should have conducted hearing instead of furnishing information to the applicant which is against the spirit of the RTI Act. Dr. Lalgura Tlau, DAA/Deputy Commissioner, Saitual District is advised to be more mindful in handling RTI cases in future.
 - iii) Both the SPIO and DAA need to note that RTI applications/appeals are to be given due importance as prescribed by the Law.

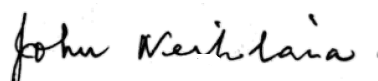
In view of the above, the Commission hereby directs that **Pu Lallawmawma, SPIO & Addl. Deputy Commissioner, DC's Office, Saitual District shall provide the following information, free of cost, to the appellant, not later than 24.11.2023 (Friday)** with a copy to Mizoram Information Commission: -

1. Copy of the related Sanction Order issued by Ministry of Road Transport & Highways, Government of India.
2. Copy of the Final Assessment 3G of NH-102B, Package-II, Part I (Ngopa)
3. Copy of Declaration/No Objection Certificate list containing signatures of recipients of compensation.
4. Copy of VC Pass No. NGP-L116-TP/VC/2005.

The matter is hereby disposed of accordingly. Copy of the decision to be given free of cost to all the parties.



(MANGJANGAM TOUTHANG)
Information Commissioner
Mizoram Information Commission



(JOHN NEIHLAIA)
Chief Information Commissioner
Mizoram Information Commission