

No. S.A. 119/2023 – MIC
MIZORAM INFORMATION COMMISSION
MIZORAM NEW CAPITAL COMPLEX
KHATLA, AIZAWL

Pu R. Lalrinchhana, : *Appellant*
Vengthlang.
Ph: 9612576146

Pu Tlangtimawia Zote, : *Respondent*
State Public Information Officer (SPIO)
&
Joint Director,
Directorate of Agriculture,
Mizoram, Aizawl.
Ph: 9436142849.

ORDER
(23.10.2023)

1. The appellant submitted RTI application dt. 30.04.2023 to the SPIO & Jt. Director, Directorate of Agriculture seeking information on the following: -

- (i) *ATMA hnuai a thawk hlawh la thei lo mi eng zat nge an nih? Hlawh an lak hnunhun ber thla leh kum min hrilh thei em? An hlawh lak hnunhun berna Document min thil tel sak theih chuan ka lawm hle ang.*
- (ii) *ATMA hnuai a thawk te hlawh lak loh hi nikum lam a mi te niin kan lo hria a, nikum Financial Year a hlawh an lak loh chuan an Fund hi a Lapse a ni thei em? ATMA hnuaiah Fund Lapse a awm hrim hrim em? A awm chuan Document min thil tel sak turin ka ngen a che.*
- (iii) *ATMA hnuai a hnathawk te hlawh an lak mumal loh chhan leh rei tak tak hlawh an lak loh chhan min hrilh thei em? Document min thil tel sak turin ka ngen a che.*
- (iv) *ATMA chauh ni lo Agriculture Department hnuaiah Central Sponsored emaw Sector Scheme hnuaiah hlawh la thei lo dang an awm ve em? Fund Lapse a awm em? An awm chuan an hlawh lak loh rei zawng leh eng scheme hnuai a mi te nge an nih? An hlawh lak hnunhun ber Document min thil tel sak turin ka ngen che a, Fund Lapse a awm a nih chuan a Lapse na Document min thil tel sak turin ka ngen che.*
- (v) *ATMA hnuai a hnathawk te hian hlawh an la dawn hnai em? An lak dawn hnaih chuan an lak hun tur min hrilh thei em? An lak dawn hnaih loh chuan a chhan leh Document min thil tel sak turin ka ngen a che.*
- (vi) *ATMA hnuai a thawk te hlawh lak loh rei danah hian Supreme Court Ruling angin a pung nen a an hlawh pek tumna a awm em? A awm chuan Document min thil tel sak turin ka ngen a che.*
- (vii) *ATMA hnuai a Co-terminus a thawk te hian 7th Pay an hman ve tawh em? An hman loh chuan a chhan Chiang tak leh pek loh an nih theihna Document min pe tel turin ka ngen a che.*
- (viii) *ATMA hnuai a Contract a thawk te hian 10% increment tha takin an dawng em? An dawn loh chuan enge a chhan? Document min pe thei em? Increment an dawn chuan an dawn dan Document min pe turin ka ngen baw a che.*
- (ix) *ATMA hnuai a hlawh lak loh nikum lam ami kha a full a pek tum a ni em? Pek an nih dawn loh chuan enge a chhan? Document min pe tel turin ka ngen a che.*

2. As the SPIO did not furnish any reply, the appellant preferred First Appeal on 31.05.2023 wherein a reply was furnished as follows: -

“I RTI zawh chhanna hi a hun taka kan rawn pek loh chhan che chu a chhanna misplaced vang a ni a, kan han inchhui a, tukin hian kan hmu chhuak e. I hriatthiamna kan beisei e.

Tichuan, a chhanna chu a hnuaia attachment-ah khuan dah a ni e.”

3. Not satisfied with the reply received from the DAA, the appellant preferred Second Appeal to Mizoram Information Commission on 01.06.2023. Summon was issued to both the appellant and the respondent (SPIO) to appear before the Commission on 20.10.2023 (Friday) at 12:00 Noon. As scheduled, hearing was held in my office chamber wherein the appellant was absent. However, the respondent Pu Tlangtimawia Zote was present and was accompanied by the dealing hand viz Pu Vanlalvena, Assistant Agriculture Inspector.
4. In the hearing, the respondent apologized for not furnishing the requested information during the stipulated period of 30 (thirty) days as per Section 7(1) of the RTI Act, 2005. He also mentioned that the delay was caused due to shifting of their office, retirement of the SPIO during whose period the RTI application was received and several other internal office issues. When enquired, he informed that he will be able to provide the requested information as all the documents are available with them in the office.
5. After hearing the SPIO, my observations are as follows: -
 - 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 by the DAA which 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 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. Pu James Lalsiamliana, DAA/Director, Agriculture Department 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 Tlangtimawia Zote, SPIO & Jt. Director, Agriculture Department shall provide the information, free of cost, to the appellant immediately, in any case, not later than 15.11.2023 (Wednesday)** 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.

John Neihlaila

(JOHN NEIHLAIA)

Chief Information Commissioner
Mizoram Information Commission