



MIZORAM INFORMATION COMMISSION

MINECO, KHATLA,

MIZORAM: AIZAWL

No. S.A. 129/2023-MIC

Dated Aizawl, the 19<sup>th</sup> December 2023

*Lalmalsawma*

*...Appellant*

*Kawlkulh, Mizoram*

*Mob : 6009932948*

*Vs*

*Lalfakzuala*

*...Respondent*

*State Public Information Officer*

*DC Office, Khawzawl*

*Mob : 9862680482*

ORDER

1. The appellant submitted an online RTI application on 06.09.2023 to the State Public Information Officer (SPIO), DC's Office, Khawzawl seeking information on the following points :-
  - (i) *National Highway 6 khawih mekah hian Kawlkulh leh Kawlkulh North VC area huam chhungah Compensation la an awm em?*
  - (ii) *Compensation la an awm anih chuan list min pe thei em?*
  - (iii) *Ka zawhna te hi in Department chan anih loh chuan eng Department chan nge min hrilh thei em?*
  - (iv) *In Department chan anih loh chuan, RTI Guide book in a phut angin a changtu Department ah ni-5 chhungin in forward sak thei em?*
2. Since he was not satisfied with the reply of the SPIO he preferred First Appeal to the Departmental Appellate Authority (DAA) on 17.09.2023. As the DAA did not send any reply, he submitted Second Appeal on 19.09.2023 to Mizoram Information Commission.

3. The SPIO sent letter No.F. 12013/2(i)/2023-DC(KZL)/ONLINE dt. 06.12.2023 to this Commission in which he stated that he had received 3 RTI applications from Pu Lalmalsawma, Kawkulh on 6<sup>th</sup> September, 2023 which were all answered and those that could not be answered were forwarded to the concerned Departments within the stipulated time. However, as the appellant was still not satisfied with the replies he had received notice was issued to both the appellant and the respondent to appear before the Commission on 15.12.2023 (Friday) at 03:00 P.M. As scheduled, hearing was held wherein the appellant was present and the respondent was represented by a staff viz Assistant Grade from their office.
4. The appellant narrated his grievances and requested the Commission to help him get the information sought as per the provisions of the RTI Act, 2005.
5. The representative of the respondent informed that they had received several RTI applications from the appellant and was unaware as to why reply was not furnished for this particular RTI application as he is not the dealing hand with regard to matters relating to Compensation for National Highway 6. However, after enquiry from his colleagues during the hearing, he informed that the reply was available in the office file but not sent to the appellant.

**OBSERVATIONS:**


- 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 not provided which is in contravention of the provisions of the Act.
- ii) The DAA is still registered in the name of Pu CC Lalchhuangkima, former DC, Khawzawl. This should be immediately rectified by the concerned official.


- iii) 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 remaining silent which is against the spirit of the RTI Act.
- iv) Both the SPIO and DAA need to note that RTI applications/appeals are to be given due importance as prescribed by the Law.
- v) While it was clearly mentioned in point no.3 of the notice of hearing dt. 30.11.2023 issued by MIC that the **SPIO should personally attend the hearing and if for compelling reasons he is unable to be present, he has to give reasons for the same and shall authorise an officer not below the rank of SPIO fully acquainted with the facts of the case and bring complete files with him.** However, the respondent did not give any intimation of his inability to attend the hearing and the representative that he had sent was also not fully acquainted with the facts of the case apart from being an officer below the rank of the respondent. This has been viewed very seriously. The respondent is henceforth instructed to strictly comply with the rules in force.

#### DECISION:

In view of the above, the Commission hereby directs that **Pu Lalfakzuala, SPIO & Addl. Deputy Commissioner, DC's Office, Khawzawl shall provide the information, free of cost, to the appellant, not later than 22.12.2023 (Friday))** 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.

  
(MANGJANGAM TOUTHANG)  
Information Commissioner  
Mizoram Information Commission

  
(JOHN NEIHLAIA)  
Chief Information Commissioner  
Mizoram Information Commission

