

No.C.157/2023-MIC
MIZORAM INFORMATION COMMISSION
MIZORAM NEW CAPITAL COMPLEX
KHATLA, AIZAWL

Pu Vanlalruata, : **Appellant**
Tuikual South,
Aizawl Mizoram.
Ph No. : 9436142702

Pu Vanlalzuala Chenkual, : **Respondent**
State Public Information Officer (SPIO)
&
Superintending Engineer (P)
E-in-C, Public Works Department
Ph. No. : 9862770017

ORDER

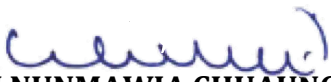
(06.06.2023)

1. The appellant viz Pu Vanlalruata submitted RTI application via Mizoram RTI Online on 06.04.2023 seeking information on the following points: -
 - i. *Finance Department (Budget branch) order no.G.20016/3/2019-FBT dated 5th November, 2019 a lan danin Construction of Bridges on Khawlailung-Tlangpui-Khawhai Road (Construction of BUGS Bridge) atan Rs.100 lakh (Cheng nuai za) sanction a ni a. He hna hi eng vanga la thawh tan loh nge a nih?*
 - ii. *He hna thawk tur hian tender chhuah a ni tawh em? Chhuah a nih loh chuan engvanga tender chhuah loh nge a nih?*
 - iii. *He hna thawhna tur leh hna dang pahnih thawhna tur Head of Account 5054 hnuai Rs.360 lakh Finance Department in a sanction atang hian cheng engzatnge Finance Department in a release tawh? Finance Department in a release amount leh release ni leh chumi atanga pawisa hman tawh zat chipchiar/ details min pe turin ka dil e.*
 - iv. *He hna hi engtika thawh tan nge Sawrkar in a tum?*
 - v. *He hna hi thawk tura Sawrkar (PWD) hmalakna chipchiar min pe turin ka ngen e.*
 - vi. *He hna thawktu tur Contractor hi Sawrkar in a thlang/ruatfel tawh em? A ruatfel tawh chuan Contractor hming, contact number leh address chipchiar bakah work order pek ni leh work order amount min pe turin ka dil e.*
2. The SPIO & Executive Engineer, Khawzawl Division furnished reply on 06.04.2023 for point no. 1 of the application stating, ***"PWD Khawzawl Division hnuai ah hetiang hna hi kan nei lo."*** and ***"NIL"*** replies for the other points. The appellant then preferred First Appeal to the DAA on 08.04.2023 wherein the DAA replied, ***"A zawhna tur Division hi Serchhip Division zawk a nih hmel"*** without conducting any hearing and without ascertaining which SPIO is the SPIO concerned. Based on the reply of the DAA, it appears that the SPIO & Superintending Engineer(P), E-in-C had wrongfully transferred the application to the SPIO, PWD Khawzawl Division.
3. Not satisfied with the reply received from the DAA, the appellant approached the Mizoram Information Commission on 23.05.2023. Summon was issued to the appellant and the SPIO & Superintending Engineer (P), E-in-C, PWD to appear before the Commission on 05.06.2023 (Monday) at 11:30 AM. As scheduled, hearing was held wherein both the appellant and the respondent were present.

4. In the hearing, the appellant narrated his grievances and said that he was surprised to learn that the respondent transferred his application to the wrong SPIO who was not the custodian of the information sought.
5. The respondent apologized to the Commission for the lapse on his part for not transferring the RTI application to the SPIO concerned as per the provisions of the RTI Act 2005.
6. After hearing both parties, my observations are as follows :-
 - (i) As per section 6 (3) of the RTI Act 2005, the SPIO could have transferred the RTI application to the SPIO concerned if the information sought was not held/available with him. However, in this case, the SPIO transferred the same to the wrong SPIO without ascertaining the SPIO concerned. This is against the spirit of the RTI. Pu Vanlalzuala Chenkual is advised to be more careful in future while dealing with RTI applications.
 - (ii) On enquiry, the respondent SPIO informed that he is not sure as to under which division the information sought could be but mentioned that it may be under Serchhip Division, PWD.
 - (iii) 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 may be with Serchhip Division. This is in contravention of the provisions of the RTI Act 2005. The DAA, PWD is advised to be more mindful in handling RTI cases in future.

In view of the above, the Commission hereby directs that **the SPIO, Office of the Engineer in Chief, PWD shall collect the required information from the concerned division by dint of his position as SPIO of the office of Head of Department and furnish the same to the appellant 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.


(LALNUNMAWIA CHUAUNGO)
Chief Information Commissioner
Mizoram Information Commission