



MIZORAM INFORMATION COMMISSION
MINECO, KHATLA,
MIZORAM: AIZAWL

No. S.A. 124/2023-MIC

Dated Aizawl, the 16th November 2023

Rustom Chakma

...Appellant

Vs

***State Public Information Officer,
Finance & Accounts Department (CADC)***

...Respondent

ORDER

1. The appellant sought information on 09.08.2023 through inspection of the following: -
 - i. *Pay roll/muster roll of all CADC government employees from March 2015- August 2023*
 - ii. *Payment registers and bank remittance documents towards salary deposit, retrospective payment made from March 2018- August 2023.*
 - iii. *Communication details of the Finance & Account Department, CADC and Payment details pertaining to payment made to beneficiaries on the Hon'ble Guwahati High Court, Aizawl bench Judgement on WP(C) No. 13 of 2016.*
2. The respondent denied inspection on points no. 1 and 2 of the above on grounds of being related to third-party information whose disclosure does not have public interest. However, the appellant was allowed inspection for point no. 3 and a date for inspection was fixed on 28.08.2023 by the respondent inviting the appellant to make his appearance in person.
3. The appellant, in his RTI application, stated that he believes the document requested had been provided to Mizoram State Legislature before and that it doesn't invite the provisions of Section 8 and 11 of the RTI Act, 2005, and thus, the denial of inspection for the 2 (two) points stated above lead him to prefer First Appeal.
4. The Departmental Appellate Authority (DAA) passed a judgement order wherein he directed the SPIO to re-schedule the date for inspection for point no. 3 of the RTI application. No comment or order is made for points no. 1 and 2 of the RTI application by the DAA.

5. The appellant then preferred Second Appeal to MIC on 21.09.2023 wherein hearing was held on 15.11.2023 (Friday) at 12:00 Noon. The respondent, accompanied by 2 (two) officials from Chakma Autonomous District Council (CADC), appeared in person and the appellant, however, was absent.
6. The respondent presented his case by informing the Commission that although the appellant believes the information sought should not be denied as it had already been disclosed to Mizoram State Legislature, in this case, the information sought for is different. He also informed that the appellant had been invited several times for inspection of documents but never made his appearance.
7. The Chief Information Commissioner informed the respondent that invocation of Section 8(1)(j) and using the matter of Girish R. Deshpande Vs CIC and Others (SLP(C) no. 27734/2012) of the Hon'ble Supreme Court of India to deny information on the matter is out of context and that the information sought for is under public records and should have been allowed. The CIC also cautioned the respondent on the penalties and disciplinary actions that could be taken upon contravention of the Act.

OBSERVATIONS:

1. Suo Motu disclosure under Section 4 of the RTI Act, 2005 has not been complied to by CADC.
2. The appellant requested for information using inspection and not photocopies of documents.
3. The information requested i.e., pay roll/muster roll, payment registers and bank remittance documents etc. of government employees should be under public records and thereby allowed.
4. The information requested may be voluminous, but this should not be a reason to deny or to frame situation of difficulty in providing information.
5. If the appellant was not available for inspection, the respondent should have made arrangements on how the information could be provided. In this case, the respondent should have intimated the amount of fees required to be paid by the appellant for photocopies.

DECISION:

In view of the above, the Commission hereby directs the following: -

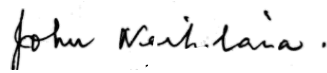
1. The SPIO/Sr. Finance & Accounts Officer, CADC shall make necessary arrangements in order to facilitate inspection of documents by Mr. Rustom Chakma. If inspection is not feasible, photocopies of the documents shall be provided by the SPIO.
2. Chakma Autonomous District Council (CADC) shall comply with suo motu disclosure under Section 4(1)(b) of the RTI Act, 2005 and should be reflected in their offices and website(s).

The SPIO shall comply to this order within 2 (two) weeks from the date of its issue with a copy of compliance report to Mizoram Information Commission failing which disciplinary action will be taken.

The matter is hereby disposed of accordingly. Copies to be given, free of cost, to all parties involved.



(MANGJANGAM TOUTHANG)
Information Commissioner
Mizoram Information Commission



(JOHN NEIHLAIA)
Chief Information Commissioner
Mizoram Information Commission