

No. S.A. 108/2023 – MIC
MIZORAM INFORMATION COMMISSION
MIZORAM NEW CAPITAL COMPLEX
KHATLA, AIZAWL

Pu Vanlalruata, : *Appellant*
Tuikual South, Aizawl,
Ph: 9436142702.

Pu Malsawmdawngliana, : *Respondent*
State Public Information Officer (SPIO)
&
Deputy Director (Admn.),
Local Administration Department,
Ph: 9436360350

ORDER

(02.05.2023)

1. Pu Vanlalruata, Tuikual South submitted RTI application via Mizoram RTI Online to the SPIO, Local Administration Department (Directorate) seeking information on the following on 23.11.2022: -
 - i) *Please give the list of villages along with population figures within Chakma Autonomous District Council (CADC) Area when it was formed in 1972.*
 - ii) *Out of those Villages, please give the list of villages in which Mizos were majority at that time.*
 - iii) *Please give the list of villages along with population figures in CADC area as per latest available data, indicating village wise population of Chakmas and Mizos.*
 - iv) *Please give the list of villages outside CADC Area where Chakmas were majority inhabitants at the time of formation of CADC in 1972. Please give figures of Chakma population in these villages at that time.*
 - v) *Please give the list of villages outside CADC area where Chakma are majority inhabitants at present. Please give figures of Chakma population in these villages as per latest available information.*
 - vi) *Please give the years in which village council were given to each of these villages outside CADC Area where Chakmas are majority inhabitants.*
2. The SPIO furnished reply on 09.02.2023 stating, “*Off line in chhanna kan pe tawh tho che a, information dang kan nei leh anih chuan kan rawn pe leh mai dawn che nia*”. Not satisfied, Pu Vanlalruata preferred First Appeal on 11.03.2023 stating that information pertaining to point No. 4, 5 and 6 of his RTI application has not been furnished.

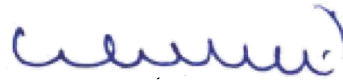
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3. However, the Departmental Appellate Authority (DAA) did not take action on the matter and thus, Pu Vanlalruata preferred Second Appeal to Mizoram Information Commission on 17.04.2023. Summon was issued to both the appellant and the respondent to appear before the Mizoram Information Commission on 01.05.2023 (Monday) at 12:00 Noon. As scheduled, hearing was held in my office chamber wherein both the appellant and the respondent were present.
4. In the hearing, the appellant informed that he was surprised that he could not be provided the required information by the respondent and requested the Commission in helping him get the required information as per the provisions of the RTI Act, 2005.
5. The respondent informed that with regard to the last 3 (three) points of RTI application dt. 23.11.2022, since the information was not currently available in their office, he had enquired from some retired officials of the department as to whether they are aware of any such record. However, they informed that no such record had been maintained by the office in the past. Therefore, vide Memo No. B. 16015/5/2022-DTE(LAD) dt. 19.01.2023, the office transferred the RTI application to the DLAOs of Lunglei and Mamit to furnish the required information pertaining to these 2 (two) districts. He also apologized for not being able to provide the requested information.
6. After hearing both the parties, the Commission observed the following: -
 - i) The SPIO should have provided 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 after a lapse of more than 65 (sixty-five) days 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 did not conduct any hearing nor responded to the appeal of the appellant which is against the spirit of the RTI Act. Pu Lalachawimawia, DAA / Jt. Director 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.

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In view of the above, since the RTI application/matter has been transferred to the DLAOs of Lunglei and Mamit, **Pu Alan Lalthanzara, DLAO & SPIO, Lunglei and Pu K. Tlangruala, DLAO & SPIO, Mamit shall provide whatever information is available in their office, free of cost, to the appellant not later than 19.05.2023 (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.



(LALNUNMAWIA CHUAUNGO)
Chief Information Commissioner
Mizoram Information Commission