



MIZORAM INFORMATION COMMISSION

MINECO, KHATLA,

MIZORAM: AIZAWL

No. S.A. 133/2023-MIC

Dated Aizawl, the 17th January 2024

David Lalremsiama,
Tuikual North, Aizawl,
Mob : 8014244356.

...Appellant

Vs

K. Lalrammuana,
State Public Information Officer,
Dte. of Science & Technology,
Mob : 8882001354.

...Respondent

ORDER

1. The appellant, Pu David Lalremsiama, Tuikual North submitted an RTI application to the SPIO, Directorate of Science & Technology via Mizoram RTI Online on 30.09.2023 seeking information on the following: -

“MIRSAC hnuaia Scientist post hrang hrang lak a an Recruitment Rules min hrilh theih em? Scientist (IT) post bik ah hian engvanga Engineering Background lak nge annih MCA/M.Sc IT te pawh an awm reng si a.”
2. The respondent SPIO furnished reply on 19.10.2023. As the appellant was not satisfied with the reply received, he preferred First Appeal to Pu H. Lalsawmliana, Departmental Appellate Authority (DAA) on 30.10.2023. Since he did not receive any reply from the DAA even after a lapse of more than 1 (one) month, he preferred Second Appeal on 05.12.2023. Summon was issued to both the appellant and the respondent to appear before the Mizoram Information Commission (MIC) on 09.01.2024 at 01:00 PM. However, since the appellant submitted a request to re-schedule the date of hearing, hearing was then re-scheduled for 16.01.2024 at 01:00 PM. As schedule, hearing was held wherein both the appellant and the respondent were present.
3. The appellant narrated his grievances and informed that he was not furnished the required information as sought in his RTI application dt. 30.09.2023 and also mentioned that he wanted to know the reason why an engineering graduate was specifically required for the advertised post while the Recruitment Rules clearly mentioned the eligibility as ‘Masters degree in relevant branch of science, etc.’ apart from those having engineering background.
4. The respondent SPIO then informed that they had floated advertisement as per the norms laid down in the department’s Recruitment Rules and based on the project’s subject/theme, recruitments were carried out as per requirement. He also informed that reply to First Appeal preferred by the appellant was sent and was surprised to learn that it was not received by him.

OBSERVATIONS:

1. The respondent SPIO should keep in mind that requesting for information under the RTI Act, 2005 is not a harassment. An SPIO is required to clarify with applicants for unclear requests and should not only be confined to furnish information but also to provide necessary help to the information seeker, wherever necessary. He should also have good negotiation skills so he will often be negotiating with the public, colleagues, third party and others so that he could attend to his duties as SPIO smoothly.
2. Section 19(6) of the RTI Act provides that the Departmental Appellate Authority should dispose off the appeal within thirty days of the receipt of the appeal. In exceptional cases, the DAA may take forty five days to dispose off the appeal subject to the condition that he shall record in writing the reasons for delay in deciding the appeal. Therefore, every DAA should ensure that an appeal received by him is disposed off within 30 days of the receipt of the appeal. If, in some exceptional cases, it is not possible to dispose of the appeal within 30 days, its disposal should not take more than 45 days. In such cases, the DAA should record, in writing, the reasons for not deciding the appeal within 30 days.
3. Deciding appeals is a quasi-judicial function as per the provisions laid down in the RTI Act, 2005. 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. Pu H. Lalsawmliana, DAA, MIRSAC is advised to be more mindful in handling RTI cases in future and see that hearing is conducted for every First Appeal received by him.
4. As per Memo No. 1/18/2011-IR dt. 16.09.2011 issued by DoPT, Government of India, 'only such information can be supplied under the RTI Act which already exists and is held by the public authority or held under the control of the public authority. The Public Information Officer is not supposed to create information, or to interpret information, or to solve the problems raised by the applicants, or to furnish replies to hypothetical questions.' Therefore, the appellant may take note of this for guidance in future.

DECISION:

In view of the above, **the Commission hereby directs that Pu K. Lalrammuana, SPIO, Directorate of Science & Technology shall provide the required information, free of cost, to the appellant, not later than 23.01.2024 (Tuesday) 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