



MIZORAM INFORMATION COMMISSION

MINECO, KHATLA,
MIZORAM: AIZAWL

No. S.A. 135/2023-MIC

Dated Aizawl, the 10th January 2024

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 09.10.2023 to the State Public Information Officer (SPIO), DC's Office, Khawzawl seeking information on the following points :-

- (i) *Kum 2018 – 2023 (2023 kal mek telin) chhung hian Khawzawl District huam chhunga hmasawonna hnathawktu te atangin CSR (Corporate Social Responsibility) Fund dil chhuah a awm em?*
- (ii) *A awm anih chuan hengte hi min hrilh thei em?*
 - (a) *Pawisa dilchhuaktu te hming leh nihna, pawisa zat. Pawisa dilna company/Construction/Firm/Society hming.*
 - (b) *Pawisa hmuh/dawon ni.*
- (iii) *A awm anih chuan hengte hi min hrilh thei bawk em?*
 - (a) *Pawisa hman anihna hmun VC area*
 - (b) *Pawisa hman zat*
 - (c) *Engatan nge pawisa hman a nih?*
 - (d) *Pawisa hman ni/pek chhuah ni?*
 - (e) *Bungrua/Hmanrua? Khawol lei a awm anih chuan a lei ni leh a man zat. Khawi atana lei leh hman nge anih min hrilh thei em?*
 - (f) *Hmasawonna atana hnathawh a awm bawk anih chuan khawi VC area ah te nge hnathawh anih, eng hna nge thawh anih min hrilh thei bawk em?*

(iv) *Ka zawhna hi in Department chan a ni em? A nihloh chuan RTI Guide Book in a phut angin Ni-5 chungin a changtu Department ah min forward sak thei em?*

2. Since he did not receive any reply from the SPIO he preferred First Appeal to the Departmental Appellate Authority (DAA) on 09.11.2023. As the DAA also did not send any reply, he submitted Second Appeal on 12.12.2023 to Mizoram Information Commission. Notice was issued to both the appellant and the respondent to appear before the Commission on 09.01.2024 (Tuesday) at 02:00 P.M. As scheduled, hearing was held wherein only the respondent and site Engineer of NHIDCL were present. The appellant absented himself without any intimation in spite of notice issued on 18.12.2023 followed by a reminder through WhatsApp and phone call.
3. The respondent informed that since the information sought was not available in their office, they had forwarded the RTI application to the Site Engineer, NHIDCL, Camp Khawzawl on 07.11.2023 to be replied on or before 13.11.2023. However, as NHIDCL did not send any reply, they were unable to provide the required information to the appellant. He also apologised for the lapse on their part.
4. The Site Engineer, NHIDCL brought with him copies of the CSR fund that they had distributed and informed that they can provide the required information.

OBSERVATIONS:

- i) As per Section 6 (3) of the RTI Act, 2005 and O.M. No. 10/2/2008-IR dt. 12.06.2008 issued by DoPT, Govt. of India, the respondent SPIO should have transferred the RTI application to the PIO, NHIDCL under intimation to the appellant instead of requesting the Site Engineer, NHIDCL to send the required information to the DC's Office, Khawzawl for onward reply to the appellant. The SPIO should take note of this so that such lapse does not occur in future.
- ii) The respondent SPIO should also 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.

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. Pu K. Lalrohluia DAA/DC, Khawzawl District is advised to be more mindful in handling RTI cases in future.

iv) Both the respondent SPIO and DAA need to note that RTI applications/appeals are to be given due importance as prescribed by the Law.

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, after obtaining the same from the office of NHIDCL free of cost, to the appellant, not later than 16.01.2024 (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