



MIZORAM INFORMATION COMMISSION

MINECO, KHATLA,

MIZORAM: AIZAWL

No. C. 159/2024-MIC

Dated Aizawl, the 15th March 2024

Raj V. Tamhankar,
Office No. 11, 2nd Floor, 22 Rajabhadur
Mansion, Bombay Samachar Marg, Fort,
Mumbai – 400 001,
Ph: 8169172822

...Complainant

Vs

Chalhuaia,
SPIO & Joint Director,
Directorate of Institutional Finance & State
Lottery
Ph: 9436366311

...Respondent

ORDER

1. The complainant, Mr. Raj V. Tamhankar submitted an RTI application on 04.01.2024 to the State Public Information Officer (SPIO), Directorate of Institutional Finance & State Lottery (IF&SL), Government of Mizoram.
2. The respondent SPIO sent him a letter dt. 24.01.2024 as shown below:
“In inviting a reference to your letter and the subject cited above, I am to inform you that this Office cannot furnish the information sought by you as you have not attached any document for evidence of the citizen of India as stated as per Rule 2(1)(e) of the Mizoram R.T.I. Rules, 2006.”
3. Being aggrieved with the reply received, the complainant submitted complaint dt. 09.02.2024 to the Chief Information Commissioner, Mizoram Information Commission requesting the Commission to take cognizance of his complaint and take strict action against the erring SPIO for being ignorant and not providing information as per Mizoram RTI Rules, 2010.
4. Summon was issued to both the complainant and the respondent to appear before the Mizoram Information Commission (MIC) on 08.03.2024 at 12:00 Noon. However, since the complainant submitted a request to re-schedule the date of hearing, hearing was then re-scheduled for 15.03.2024 at 12:00 Noon. As scheduled, hearing in hybrid mode was held wherein the complainant, the respondent SPIO, Mr. Chalhuaia, present SPIO, Mr. Sangkhawma and two other officials from the department were present.

5. The respondent SPIO apologized for rejecting the information due to ignorance of the rules which was accepted both by the Commission and the complainant.
6. The complainant informed that conduct of such officials hampers the smooth functioning of government departments by depriving applicants to be furnished with the required information and that the erring SPIO has violated his right to information by rejecting his application under a non-existing rule.

OBSERVATION:

Upon careful examination of the case, the Commission finds that the SPIO erred in rejecting information on the basis of a rule that had been repealed, i.e. the Mizoram RTI Rules, 2006. Therefore, the respondent SPIO needs to keep himself updated with the relevant RTI rules and orders that are in force.

DECISION:

In view of the above, **the Commission hereby instructs Mr. Chalhuaia, former SPIO & Joint Director, Directorate of Institutional Finance & State Lottery to be careful, keep himself abreast of the law and not to repeat such lapses in the future.**

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

