

No. S.A. 151/2024-MIC

Dated Aizawl, the 30th July 2024

*Benjamin Vanlalvena,
A-104/1 Thlanmual Road,
Luangmual, Aizawl,
Mob : 8882217336.*

...Appellant

Vs

*Zothansanga Ralte,
SPIO & Additional Secretary,
Mizoram Legislative Assembly Secretariat,
Mob: 9436142559.*

...Respondent

Relevant facts emerging from appeal:

RTI application filed on : 21.02.2024
SPIO replied on : 08.03.2024
First Appeal filed on : 04.05.2024
DAA order made on : NIL
Second Appeal received on : 14.06.2024

ORDER

1. The appellant sought information as follows: -

“Please provide a list of all resolutions passed by the Mizoram Assembly in terms of Article 371G(a) of the Constitution.

Please also provide a copy of all such resolutions.”

2. The respondent State Public Information Officer (SPIO) furnished reply wherein he informed the appellant that the information sought for is bulky in nature and could not be provided and that it is available on their website. The respondent provided the link to the website.
3. Not satisfied with the reply received from the SPIO, the appellant preferred First Appeal wherein the Departmental Appellate Authority (DAA) did not take any action on the matter.
4. The appellant then preferred Second Appeal to Mizoram Information Commission (MIC) and summons were issued to both the parties to appear before the Chief Information Commissioner on 29.07.2024 at 01:00 PM. As scheduled, hearing was held in hybrid mode wherein the appellant appeared via Video Conferencing and the respondent, represented by Mr. Vanlalfamkima Sailo, Under Secretary, Mizoram Legislative Assembly appeared in person.

5. The appellant narrated his grievances and requested the Commission to help him get the required information as sought by him in his RTI application dated 21.02.2024.
6. The respondent SPIO explained that the reply given earlier was due to inaccurate understanding of the RTI query and that the information can be provided by them.

OBSERVATIONS: -


1. The respondent SPIO should have examined the details and nature of the information sought. He should have adequate knowledge of record management prevailing within the Public Authority. Also, while providing replies available in their website, he should mention the complete link for easy accessibility.
2. 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. Pi Vanlalthantlingi, DAA/Commissioner & Secretary is advised to be more mindful in handling RTI cases in future and see that hearing is conducted for every First Appeal received by her.
3. 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 Zothansanga Ralte, SPIO/Additional Secretary, Mizoram Legislative Assembly shall provide the information to the appellant, free of cost, not later than 05.08.2024 (Monday) 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