

MIZORAM INFORMATION COMMISSION MINECO, KHATLA, MIZORAM: AIZAWL

No. S.A. 156/2024-MIC

Dated Aizawl, the 21st August 2024

Benjamin Vanlalvena,

...Appellant

A-104/1 Thlanmual Road,

Ph: 8882217336

Zonuni Hrahsel,

...Respondent

SPIO & Deputy Secretary,

Law & Judicial Department,

Ph: 9862531322

Relevant facts emerging from the appeal:

RTI application filed on : 17.05.2024

SPIO replied on

NIL

First Appeal filed on

17.06.2024

DAA order made on

Second Appeal received on:

18.07.2024

ORDER

- 1. The appellant sought information as follows: -
 - Has the Government of Mizoram passed any notification in accordance with section 1(2) of the Code of Criminal Procedure, 1973?
 - Please provide a copy of such notification referred to in question 1
 - Has the Government of Mizoram passed any notification in accordance with section 1(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023?
 - Please provide a copy of such notification referred to in question 3
 - Has the Government of Mizoram passed any notification in accordance with section 1(3) of the Code of Civil Procedure, 1908?

- vi. Please provide a copy of such notification referred to in question 5
- vii. Please provide a "list" of all the laws in force in the Union Territory of Mizoram as referred to in section 43(1) of the State of Mizoram Act, 1986 and continuing to be applicable to the State of Mizoram in terms of that subsection
- viii. Has the Government adapted/modified/repealed/amended any law in accordance with section 43(2) of the State of Mizoram Act, 1986?
 - ix. Please provide a copy of such adaptations/modifications/repeal/amendments as referred to in question 8
- 2. As neither the respondent State Public Information Officer (SPIO) nor the Departmental Appellate Authority took any action on the matter, Second Appeal was preferred to Mizoram Information Commission.
- 3. Hearing was held in Hybrid Mode on 21.08.2024 (Wednesday) at 01:00 PM wherein the respondent SPIO presented herself in person and the appellant appeared via Video Conferencing.
- 4. The appellant requested the Commission to help him get his requested information at the earliest as per the provisions under the RTI Act, 2005.
- 5. The respondent SPIO apologized for not responding on time due to personal and official reasons and promised to furnish the required information immediately.

OBSERVATIONS:

1. As per Section 7(1) of the RTI Act, 2005, "The State Public Information Officer (SPIO), as the case may be, on receipt of a request under section 6 shall, as expeditiously as possible, and in any case within thirty days of the receipt of the request, either provide the information on payment of such fee as may be prescribed". However, in this case, the respondent SPIO could not furnish the required information as she had availed earned leave and the reply prepared was not issued during this period. She is advised to ensure that similar lapses on their part are not repeated.

- 2. When an SPIO is on leave or tour, the concerned authority should make an arrangement (in writing) entrusting another officer to take the place of the SPIO (on leave/tour). Any applications received during the time; the entrusted officer shall act as SPIO. If such arrangement is not done, the designated SPIO shall be held responsible for any delays in providing information. The authorities in Law & Judicial Department are informed to see that such type of lapse does not occur in future.
- 3. Pi Helen Dawngliani, Departmental Appellate Authority (DAA) & Secretary, Law & Judicial Department is also advised to actively discharge her role/responsibilities as DAA as envisaged by the RTI Act.

DECISION: -

In view of the above, the Commission hereby directs that Pi Zonuni Hrahsel, SPIO & Deputy Secretary, Law & Judicial Department shall provide the information, free of cost, either through the RTI Online portal or manually to the appellant latest by 23.08.2024 (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.

NFORMATION COMMISSION RAM

(MANGJANGAM TOUTHANG)

Information Commissioner

Mizoram Information Commission

John Neihlaia (JOHN NEIHLAIA)

Chief Information Commissioner

Mizoram Information Commission