



MIZORAM INFORMATION COMMISSION
MINECO, KHATLA,
MIZORAM: AIZAWL

No. S.A. 167/2024 – MIC

Dated Aizawl, the 27th September 2024

Zairemthanga,

...Appellant

Luangmual, Aizawl, Mizoram

Vs

Malsawmsanga,

...Respondent

State Public Information Officer (SPIO)

&

Deputy Director,

Directorate of Information & Public Relations

Relevant fact emerging from the appeal:

RTI application filed on : 17.04.2024

SPIO replied on : NIL

First Appeal filed on : 20.05.2024

DAA made order/reply on : NIL

Second Appeal received on : 26.08.2024

ORDER

1. The appellant sought information via RTI Online portal as follows: -

“Advertisement no. 2 of 2023-2024 anga Driver(Provisional Employee) atana lak mi palite leh Panel list-a awm mekte marks hmuh dan kimchang min pe thei ang em?”

2. The respondent did not furnish any reply leading to the appellant preferring First Appeal to the Departmental Appellate Authority (DAA). Here, the DAA did not take any action on the matter

3. The appellant then approached the Commission and summons were issued to both the parties to appear before the Chief Information Commissioner and Information Commissioner on 25.09.2024 (Wednesday) at 01:00 PM. As scheduled, hearing was held wherein both the appellant and the respondent appeared in person.
4. The respondent expressed regret for his own negligence, saying that the RTI application was overlooked since obtaining the necessary consent from third-parties took some time. Additionally, he apologized on behalf of their Director/ the Departmental Appellate Authority (DAA), who is not tech-savvy and frequently neglects to read messages that arrive on his phone. He also stated that the information is already compiled and could be provided.
5. The appellant stated that he would not have resorted to filing appeals if the SPIO had just informed him that he needed to get permission from third parties rather than remaining silent.

OBSERVATIONS:

1. The appellant was not given the information within the stipulated period not because it was withheld; rather, it took time to acquire consent from third-parties and further, it was also the result of the SPIO's negligence.
2. The Departmental Appellate Authority (DAA) plays a vital role in ensuring transparency and fairness under the RTI Act. In this case, the DAA's silence was inappropriate and contravened the RTI Act's spirit. A hearing should have been conducted to ensure a fair and informed decision.
3. Pu C. Lalnunkima, Departmental Appellate Authority & Director, Directorate of Information & Public Relations should have exercised greater diligence in handling RTI cases. Lack of technical expertise cannot justify inaction or inadequate responses.

DECISION:

In view of the above, the Commission, hereby, directs that **Pu Malsawmsanga, State Public Information Officer & Deputy Director, Directorate of Information & Public Relations** shall provide the information, free of cost, to the appellant not later than **27.09.2024 (Friday)** with a copy to Mizoram Information Commission.

The matter is hereby disposed of accordingly. Copy to 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