



MIZORAM INFORMATION COMMISSION
MINECO, KHATLA,
MIZORAM: AIZAWL

Case No: S.A. 190/2024-MIC

Rustom Chakma,
CADC Lawngtlai, Mizoram

...Appellant

Vs

Er. Netralal Jaisi,
State Public Information Officer
&
Executive Engineer,
PHED, EE, Lawngtlai WATSAN Division

...Respondent

RTI application filed on	:	14.09.2024
SPIO replied on	:	11.10.2024
First appeal filed on	:	15.10.2024
Appellate Authority order	:	NIL
Second Appeal dated	:	01.12.2024
Date of Hearing	:	08.01.2025 at 01:00 PM
Date of Decision	:	08.01.2025

The Chief Information Commissioner Pu John Neihlaia and the Information Commissioner Pu Mangjangam Touthang presided over the hearing.

Information sought

- 1. Lists of works executed by the department for all villages under Chawngte WATSAN Sub-Division showing work amounts, amount drawn and pending payments, physical status of the works.*
- 2. Lists of all works awarded to private individuals for all villages showing work amounts, contractor name, amount Paid, Amount Pending for payment, Physical status of the works.*

Grounds for the Second Appeal

The appellant feels that the information provided with regard to point No. 1 of his RTI application is incomplete and not to the point.

Relevant facts emerging during the hearing

The appellant attended the hearing through video conferencing while the respondent SPIO appeared in person.

Appellant's statement:

The appellant was not satisfied with the reply received from the SPIO as he feels that the reply furnished to him is not the information sought and mentioned that all the documents pertaining to the information sought are not exempted under the RTI Act. He also stated that it is his right as a citizen to get the information as per the provisions of the RTI Act, 2005.

Respondent's statement:

The respondent SPIO stated he is of the opinion that whatever has been provided is in public interest and if the appellant wishes to know the works executed by the office, he can easily look it up on Jal Jeevan Mission's website.

Replying to the appellant's stand, he mentioned that Mr. Rustom Chakma should point out works not found to be satisfactory as the office is executing hundreds of projects works and asking for bulk information is time consuming.

OBSERVATIONS:

1. While the appellant mentioned in his RTI application that the information sought relates to list of works executed by the department, in the hearing, he stated that the information sought is the list of works executed by/through departmental works. He should have mentioned clearly in his application what is the actual information sought so that the SPIO could reply clearly to the point.
2. As per DoPT's O.M. No. 1/18/2011-IR dt. 16.09.2011, the RTI Act provides access to all information that is available and existing but where the

information sought is not a part of the record of a public authority and where such information is not required to be maintained under any law or rules or regulations of the public authority, the Act does not cast an obligation upon the public authority to collect or collate such non-available information and then furnish it to an applicant. The respondent SPIO should give whatever information is available and not create any information. This should be kept in mind by both the appellant and respondent SPIO.

3. Upon receiving First Appeal, the DAA should have summoned the parties concerned and conducted a hearing in order to solve the issue and pass an order on the decision arrived at. If the DAA had done so, the appellant would not have needed to approach the Commission. Pu K. Zohmingliana, DAA & Superintending Engineer, Lunglei WATSAN Circle is advised to be more mindful in handling RTI cases in future and conduct hearing for every First Appeal received.

DECISION:

In view of the above, **the Commission hereby directs that Er. Netralal Jaisi, SPIO & Executive Engineer, PHED, EE, Lawngtlai WATSAN Division shall provide the specific link for JJM's website where the appellant may find the information and whatever information is not available on the said website, the SPIO shall provide in softcopy (PDF) or any other means, free of cost, to the appellant latest by 22.01.2024 (Wednesday) with a copy to this Commission.**

The appeal is disposed of accordingly. Copy of decision to be given, free of cost, to all parties.


(MANGJANGAM TOUTHANG)

Information Commissioner
Mizoram Information Commission


(JOHN NEIHLAIA)

Chief Information Commissioner
Mizoram Information Commission

