



**MIZORAM INFORMATION COMMISSION
MINECO, KHATLA,
MIZORAM: AIZAWL**

Case No: S.A. 197/2025-MIC

**Udondi Chakma,
Bangalore**

...Appellant

Vs

**1. James Lalrinchhana,
SPIO & Joint Secretary
District Council & Minority Affairs (Sectt)**

...Respondent

**2. Buddhankur Chakma,
SPIO & Sr. FAO
Finance Department, CADC**

RTI application filed on	:	27.07.2024
SPIO transferred appn. On	:	19.09.2024
First appeal filed on	:	26.08.2024
Second Appeal dated	:	18.01.2025
Date of Hearing	:	06.02.2025 at 02:00 PM
Date of Decision	:	06.02.2025

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

1. Information sought :-

i. List of new addition of employees by Chakma Autonomous District Council (CADC) based on A/Nominal Roll submitted to your department since January 2022 to till date (April,2024).

Kindly compile the list month wise.

ii. All justification provided by CADC towards increase in salary deficit.

2. The respondent State Public Information Officer (SPIO) viz Mr. James Lalrinchhana transferred the RTI application to the SPIO, Chakma Autonomous District Council (CADC) on 19.09.2024 i.e. after a lapse of almost 2 months (54 days). As no response was received from the SPIO, CADC, the appellant preferred First Appeal to the Departmental Appellate Authority (DAA), District

Council & Minority Affairs (Secretariat) wherein the DAA did not take any action on the matter. It may be mentioned that the RTI Online portal facilitates an RTI application Transfer mechanism which the initial recipient SPIO did not utilize. Rather, a printout copy of the application was transferred to the SPIO, CADC. Further, the recipient SPIO did not transfer the application within the time stipulated under Section 6(3) of the RTI Act.

3. The appellant preferred Second Appeal to MIC on 18.01.2025. As the DAA remained silent on the matter summons were issued to both the appellant and respondent to appear before the Commission on 06.02.2025 (Thursday) at 02:00 PM. As scheduled, hearing was held wherein the respondent SPIO viz Mr. James Lalrinchhana appeared in person and the SPIO of CADC Mr. Buddhankur Chakma, Sr. FAO accompanied by Mr. B. Protimoy Chakma and Mr. Tupan Dijoy Chakma, both dealing assistants appeared via Video Conferencing. The appellant Mr. Udondi Chakma also appeared via V.C.

4. In the hearing, the appellant narrated his grievances for not being furnished information that he had sought during July 2024 and requested the Commission to help him in getting the required information.

5. In reply, the respondent SPIO Mr. James Lalrinchhana apologized for the lapse on his part for not transferring the RTI application within the stipulated time as per Section 6 (3) of the RTI Act, 2005. He also mentioned that several attempts were made by his department to provide the information. However, since it was considered as a huge task to compile and collate the reply as it pertains to a period of a 2 years and 4 months, the SPIO, CADC was requested on 24.01.2025 to expedite the matter but till date no reply has been received from him.

6. In reply, the SPIO/Sr. FAO, CADC informed that he did not receive the RTI application said to be transferred to their office as there are many SPIOs in CADC but mentioned that reply was sent to the appellant on 30.01.2025.

OBSERVATIONS:

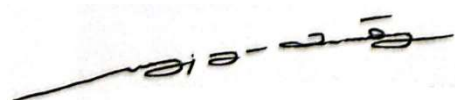
After hearing both parties, the Commission observed the following :-

1. As per Section 6(3) of the RTI Act, 2005 Mr. James Lalrinchhana should have specifically transferred the RTI application to the SPIO, Finance department, CADC rather than simply addressing the SPIO, CADC if the information sought was not available with their department. He is informed to be more careful while dealing with RTI applications in future
2. Deciding appeals under the RTI Act, 2005 is a quasi-judicial function. It is, therefore, necessary that the DAA hears both the parties i.e. the appellant and respondent and 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. Mr Pronit Bikash Chakma, DAA, CADC should strictly adhere to Section 19 of the Act in future.

DECISION:

In view of the above, the Commission hereby directs that Mr. James Lalrinchhana, SPIO/Joint Secretary, DC&MA, being the administrative department shall provide whatever data is available in digital form, free of cost, to the appellant not later than 28.02.2025 (Friday). The same should be submitted to Mizoram Information Commission with Compliance report. Mr. Buddhangkar Chakma, SPIO/Sr FAO, CADC will extend full cooperation on the matter.

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

