

MIZORAM INFORMATION COMMISSION
MINECO, KHATLA
MIZORAM : AIZAWL

Case No : S.A. 198/2025-MIC

Dated Aizawl, the 13th February, 2025

C. Tlanthianghlina
Mission Veng, Aizawl

..... Appellant

Vs

1. Lalsangpuii Darkim,
former State Public Information Officer
&
Under Secretary
School Education Department

..... Respondent

2. Malsawmdawngliana,
State Public Information Officer
&
Under Secretary
School Education Department

RTI application filed on	:	14.10.2024
SPIO transferred appn. on	:	29.10.2024
First appeal filed on	:	11.11.2024
Appellate Authority order	:	25.11.2025
Second Appeal dated	:	15.01.2025
Date of hearing	:	06.02.2025 at 01:00 PM
Date of Decision	:	06.02.2025

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

1. Information sought :-

- i. *Copy of Minutes of the Meeting of the Council of Ministers held on 27/9/2023.*
- ii. *Copy of the Memorandum for up-gradation of various categories of Schools, Revision of Rate of Lump-sum of Grand in Aid, provisional Adhoc GIA and provincialization of Schools submitted by the School Education Department, Govt. of Mizoram for consideration of the Council of Ministers in its meeting held on 27/9/2023.*

- iii. *Copy of the Memorandum for review for upgradation of various categories of Schools. Revision of rate of Lump-sum Grand in Aid, provisional Adhoc GIA and provincialization of Schools submitted by the School Education Department, Govt. of Mizoram for consideration of the Council of Ministers in its meeting held on 18/6/2024.*
2. The respondent SPIO furnished reply wherein she denied information for all 3 (three) points of the RTI application under Sub-Section (i) of Section 8 of the RTI Act. Being aggrieved, First Appeal was preferred and the Departmental Appellate Authority provided information for Point No.1 of the RTI application and denied information for Points No. 2 & 3; the DAA did not conduct hearing on the case.
 3. Still not satisfied with the reply/decision of the DAA, the appellant preferred Second Appeal. Summons were issued to both the appellant and respondent to appear before the Commission on 06.02.2025 (Thursday) at 01:00 PM. As scheduled, hearing was held wherein the appellant and the respondent SPIOs Pi Lalsangpuii Darkim and Pu Malsawmdawngliana (former and present) appeared in person.
 4. In the hearing, the appellant stated that there is no justification and application of mind by the respondent SPIO in the reply that he had received and he is of the opinion that reply to all the 3 (three) points of his RTI application could be furnished to him as they do not come under exemption from disclosure of information as per Section 8 of the RTI Act.
 5. The respondent (former SPIO) informed that their interpretation of Section 8 (1) (i) of the RTI Act, 2005 differs from that of the appellant as they are of the view that the material on the basis of which the decisions were taken could not be made public since they are still required to submit a fresh proposal on the matter for consideration of the Council of Ministers. She also submitted to the Commission a copy of the Minutes of the meeting of the Council of Ministers held in the cabinet room of Chief Minister's Office on 18.06.2024 at 10:00 AM.

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

- (1) Since DAAs are vested with quasi-judicial powers, the DAA should hear both the parties i.e the appellant and respondent SPIO. While disposing off first appeals, DAAs should act in fair and judicious manner. It is very important that the order passed by the DAA should be a detailed and speaking order, giving justification for the decision arrived at. In future, Mr. David Lalthantluanga is informed to strictly adhere to the provisions of Section 19 of the RTI Act, 2005.

- (2) Information denied to the appellant for points no.2 and no.3 of his RTI application on the ground that the information cannot be provided as the information requested is exempted from disclosure under Section 8 (1) (i) of the RTI Act, 2005 is not a valid ground. The proviso under this section provides that ***“the decisions of Ministers, the reasons thereof, and the material on the basis of which the decisions were taken shall be made public after the decision has been taken, and the matter is complete, or over.”***

In this connection, the Commission is of the view that with regard to point no.2, since the Cabinet meeting held on 27.09.2023 had approved the ***“proposal for upgradation of various categories of Schools, revision of rates of lumpsum Grant in Aid, provisional Adhoc GIA and Provincialization of Schools,”*** the matter is to be made public as decision had already been taken and the decision taken by the Council of Ministers is complete or over.

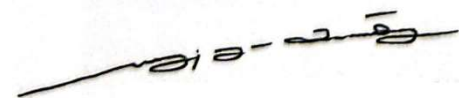
Also, with regard to point no.3 of the RTI application, sl.no. 9 of the meeting minutes issued vide Memo. No. J.11011/1/2024-POL dt. 18.06.2024 has mentioned that Decision already taken by the Council of Ministers held in 27.09.2023 regarding Additional Item No.2 ***“Proposal for upgradation of various categories of Schools, revision of rates of lump-sum Grant-In-Aid, Provisional Adhoc GIA and Provincialization of Schools was reviewed and violation of various rules and norms were observed. Hence, the decision made on 27.09.2023 is revoked. Fresh proposal with revision of Rules may be submitted by the Department for consideration of the Council of Ministers.”***

Therefore, the Commission disagrees with the contention of the SPIO and DAA that the information sought is exempted from disclosure under Section 8 (1) (i) of the RTI Act, 2005 as the decision on the matter is already taken by the Council of Ministers.

DECISION :

In view of the above, the Commission hereby directs Mr. Malsawmdawngliana, SPIO/US, School Education Department to furnish the information sought, free of cost, to Mr.C.Tlanthianghlina not later than 28.02.2025 (Friday) and submit compliance report to Mizoram Information Commission with copies of all the information furnished to the appellant.

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

