



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

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**Case No:** S.A. 201/2025-MIC

**T.C. Zothansanga,  
Tlangnuam**

**...Appellant**

**Vs**

**1. Laldinfeli,  
SPIO & Under Secretary  
General Administration Department**

**...Respondent**

**2. Irene Zohlimpui Chongthu,  
SPIO & Addl. Secretary  
General Administration Department**

RTI application filed on	:	01.11.2024
SPIO replied on	:	NIL
First appeal filed on	:	01.12.2024
Appellate Authority order	:	NIL
Second Appeal dated	:	24.02.2025
Date of Hearing	:	12.03.2025 at 01:00 PM
Date of Decision	:	12.03.2025

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

**Information sought**

- 1. District Magistrate Aizawl, a awmlah loh chang a Additional District Magistrate in charge a lak hian Additional District Magistrate hian District Magistrate thuneihna zawng zawng a nei em?*
- 2. District Magistrate a awmlah chang a Additional District Magistrate in charge a lak a District Magistrate thuneihna zawng zawng a neih chuan, eng Notification/ rules in nge District Magistrate a awmlah a Additional*

*District Magistrate in District Magistrate thuneihna zawng zawng a nei ang tih a sawi? Notification/ Rules Xerox copy?*

### **Grounds for the Second Appeal**

The appellant did not receive any reply from the SPIO and the DAA did not take action on the First Appeal preferred.

### **Relevant facts emerging during the hearing**

The appellant, respondent SPIO and the DAA all attended the hearing in person.

### **Appellant's statement:**

The appellant stated that on 10.03.2025, he was given a reply to point No. 1 of his RTI application by the SPIO for which he is grateful. However, he was not given a specific reply to point No. 2 and has requested that the respondents provide him a copy of handing of charge order during 22.05.2023 to 16.06.2023 between the Additional District Magistrate, Aizawl and the District Magistrate (who was on leave) in addition to point no. 2 of his RTI application.

### **Respondents' statement:**

The respondent SPIO apologized for not responding to the RTI application during the stipulated time and mentioned that since she did not receive any SMS notification from the RTI Online system, she was unaware that the RTI application received was lying unattended. The DAA also mentioned that she is facing the same problem with Mizoram RTI Online system.

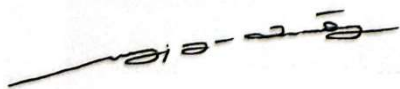
## **OBSERVATIONS:**

1. Section 7 (1) of the RTI Act, 2005 provides that if the SPIO fails to give decision on the request for information within 30 (thirty) days, the SPIO, as the case may be shall be deemed to have refused the request. As per Section 20 (1) of the Act, such lapse on the part of the SPIO can invite a penalty of Rs. 250/- (Rupees two hundred and fifty) only each day till information is furnished, the total of which shall not exceed Rs. 25,000/- (Rupees twenty-five hundred) only. Pi Laldinfeli, SPIO & Under Secretary, General Administration Department (GAD) is informed to be more careful while dealing with RTI applications in future.
2. Deciding appeals is a quasi-judicial function as per the provisions laid down in the RTI Act, 2005. It is, therefore, necessary that the DAA 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. In this case, the DAA should have conducted hearing instead of remaining silent which is against the spirit of the RTI Act. Pi Irene Zohlimpuii Chongthu, DAA/Addl. Secretary, GAD is advised to be more mindful in handling RTI cases in future and see that hearing is conducted for every First Appeal received by her.
3. As per DoPT OM No. 10/2/2008-IR dt. 12.06.2008, *“It may be noted that the Act requires the supply of such information only which already exists and is held by the public authority or held under the control of the public authority. It is beyond the scope of the Act for a public authority to create information. Collection of information, parts of which are available with different public authorities, would amount to creation of information which a public authority under the Act is not required to do”*.

**DECISION:**

In view of the above, **the Commission hereby directs that Pi Laldinfeli, SPIO & Under Secretary, General Administration Department** shall find out if any such notification was issued by GAD and if not, the RTI application (Point No. 2) of Pu T.C. Zothansanga may be transferred to the concerned public authority under intimation to the appellant. Action taken report shall be submitted to MIC not later than 04.04.2025 (Friday).

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