

Case No. S.A. 247/2025-MIC

*Lalhruaitluanga Bawitlung,
Chhing Veng, Aizawl*

...Appellant

Vs

1. *C. Chawngthantluanga,
SPIO & Deputy Project Director,
Samagra Shiksha, Mizoram.*

...Respondents

2. *C. Lalthanzira,
DAA & Project Director,
Samagra Shiksha, Mizoram.*

RTI application filed on	:	15.07.2025
SPIO replied on	:	NIL
First Appeal filed on	:	14.08.2025
DAA issued order/replied on	:	02.09.2025
Second Appeal received on	:	09.09.2025

Date & Time of hearing	:	03.10.2025 at 02:00 PM.
Date of decision	:	03.10.2025

The Chief Information Commissioner and the Information Commissioner presided over the hearing.

FACTS OF THE CASE:

1. The appellant sought information from the respondent SPIO as follows: -

"December 8, 2023 atangin June 30, 2025 thlengin SMC leh SDMC ah Work Supervisor hmanga hna thawh(Civil Works) tawh zawng atangin heng a hnuaia zawhna te hi min chhang rawh: -

1. Names of each Work
2. Full address of work location
3. Value/ estimated cost of the work.
4. Name and full postal address of work supervisor.”

2. The SPIO remained silent and the appellant preferred First Appeal where he was informed by the DAA as follows: -

“Samagra hnuaia tender chhuah loh chin (below 30 lakhs) hna te hi SMC/SMDC level a khawih tur a ni a. Heng hna te hi SMC/SMDC ah work supervisor an ruat leh ruat loh chungchang hi State Project Office atang chuan kan hriatpui lo a, information kan nei lo a ni”.

3. Not satisfied with reply received from the DAA, the appellant preferred Second Appeal to MIC with the reason that Samagra Shiksha, Mizoram should have transferred the RTI application to the concerned public authority as provided under Section 6 (3) of the RTI Act if the information sought was not under their purview.
4. Summons were issued to the appellant and respondents to appear before the Commission on 03.10.2025 (Friday) at 02:00 PM. As scheduled, hearing was held where the appellant and both the respondents appeared in person.
5. The appellant mentioned that he believes that the information sought is available with public authority to whom he had submitted his RTI application and stated that if the information was not available with them, his RTI application should have been transferred to the concerned public authority as per Section 6(3) of the Act.
6. The DAA informed the Commission with regret that since they were not aware of the fact that information not under their custody had to be transferred to the concerned public authority, the SPIO failed to transfer the same within the stipulated period. He also mentioned that he did not know that as a DAA, it is his duty to hear both the parties and issue an order for the decision arrived at.

OBSERVATIONS:

1. As per Section 7(1) of the RTI Act, 2005, *“...the Central Public Information Officer or State Public Information Officer, as the case may be, on receipt of a request under section 6 shall, as expeditiously as possible, and in any case within thirty days of the receipt of the request, either provide the information on payment of such fee as may be prescribed or reject the request...”*. In this case, the appellant did not receive any information during the stipulated period.

For the information sought not available with the SPIO, Samagra Shiksha, Mizoram, Section 6(3) of the RTI Act, 2005 provides that where an application is made to a public authority requesting for any information which is held by another public authority or the subject matter of which is more closely connected with the functions of another public authority, the public authority to which such application is made, shall transfer the application to the other public authority and inform the applicant immediately about such transfer. Public information officers are entrusted with the responsibility of providing information to the citizens under the RTI Act and it is expected that the SPIO on receipt of a request shall as expeditiously as possible provide the information sought for by the applicant. The SPIO should have transferred the RTI application to the concerned authority within 5 (five) days as provided under the Section 6(3) of the Act instead of remaining silent.

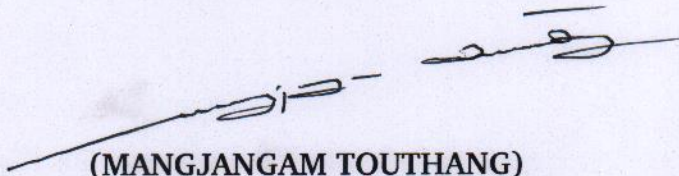
Pu C. Chawngthantluanga is advised to strictly adhere to the provisions laid down under the RTI Act and be more careful in dealing with RTI cases in future.

2. With regard to the DAA's reply to the First Appeal, instead of informing the appellant that the information sought is not available with them, **the DAA, being vested with quasi-judicial powers, should conduct a hearing and hear both the parties viz appellant and respondent for every First Appeal received by him.** The DAA shall, in every case inform the date of hearing at least seven (7) clear days before the date fixed as per Rule 7(5)(a) of the Mizoram RTI Rules, 2010. Order of the DAA shall be pronounced in open court and be in writing duly authenticated by the DAA for this purpose. Pu C. Lalthanzira, DAA & Project Director is informed to acquaint himself and strictly adhere to the provisions of the RTI Act/Rules in future.

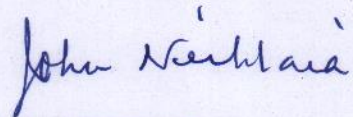
DECISION:

In view of the facts and statements made by the appellant and respondents, the Commission hereby directs that **Pu C. Chawngthantluanga, SPIO & Deputy Project Director, Samagra Shiksha, Mizoram** shall provide, in detail, certified copies of the payment made through the State Nodal Account as well as the information requested by the appellant (1) to (3) namely: (1) Names of each work; (2) Full address of work location and (3) Value/Estimated cost of the work, free of cost, to the appellant not later than **10.10.2025 (Friday)** with compliance report along with all the enclosures to this Commission.

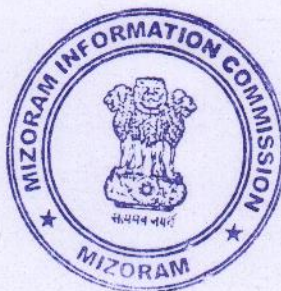
The appeal is disposed of accordingly. Copy of decision to be given, free of cost, to all parties.



(MANGJANGAM TOUTHANG)
Information Commissioner
Mizoram Information Commission

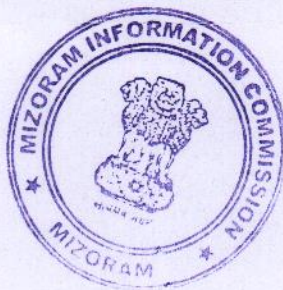


(JOHN NEIHLAIA)
Chief Information Commissioner
Mizoram Information Commission



Copy to: -

1. Lalhruaitluanga Bawitlung, A-3/25 Chhinga Veng, Near Presbyterian Church, Aizawl.
Pin 796001, Ph: 8974741788.
2. C. Chawngthantluanga, SPIO & Deputy State Project Director, Samagra Shiksha, Mizoram,
Ph: 9436150957
3. C. Lalthanzira, DAA & State Project Director, Samagra Shiksha, Mizoram,
Ph: 8259835407



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3/10/25
(LILY)

Secretary

Mizoram Information Commission
Mizoram: Aizawl