

Case No. S.A. 246/2025-MIC

*Rustom Chakma,
CADC, Lawngtlai.*

...Appellant

Vs

*K. Kamal Chakma,
SPIO & Executive Engineer,
Public Works Department, CADC.*

...Respondent

RTI application filed on	:	15.07.2025
SPIO replied on	:	12.08.2025
First Appeal filed on	:	13.08.2025
DAA issued order/replied on	:	26.08.2025
Second Appeal received on	:	09.09.2025

Date & Time of hearing	:	03.10.2025 at 01:00 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: -

"Kindly provide the details of the following MLA-LAD funds works of Mr. Rasik Mohan Chakma under 36-Tuichawng Assembly constituency awarded to Executive Engineer, PWD, CADC for the year 2024-2025.

I) Construction of Retaining wall behind Monika's residence at Borapansury-I

II) Construction of PCC pavement from Kamalanagar road to Ananda Moy's residence at Borapansury-I.

III) Construction of PCC pavement near Kamalanagar football field.

1. Certified copy of the Work Register for all the above-mentioned works.

2. Certified copy of the list of workers utilized in executing the works.

3. Certified copies of the invoices of all the material purchased toward executing those above-mentioned works.

4. Certified copy of the details estimate, expenditure report, and Work completion report submitted to the Deputy Commissioner, Lawngtlai for all the above-mentioned works.”

2. The SPIO gave a reply to the appellant's application stating, ***“You may consider writing your RTI application to the Deputy Commissioner Office, Lawngtlai as they maintain the records of works undertaken under MLA-LAD funds for Lawngtlai District, Mizoram”.***
3. Not satisfied with reply received and claiming that the SPIO provided misleading information, First Appeal was preferred. The DAA conducted hearing and made a decision where the SPIO was directed to supply the information as sought by the appellant in proper process within 15 days from the date of issue of the DAA's order.
4. Although the SPIO furnished information to the appellant as per the DAA's order, the appellant preferred Second Appeal to MIC stating that the information provided to him is only partial and that it is an intentional concealment by the SPIO.
5. Summons were issued to the appellant and respondent to appear before the Commission on 03.10.2025 (Friday) at 01:00 PM. As scheduled, hearing was held in hybrid mode where the appellant attended via video conferencing and the respondent appeared in person.
6. The appellant reiterated the contents of his RTI application and stated that upon receiving the SPIO's direction to request the information from DC's Office, Lawngtlai, the office informed him that the information is held under the control of the office of Public Works Department, CADDC. He also stated that the SPIO informing him to approach the DC's Office, Lawngtlai is misleading and an intentional withholding of information. He then requested this Commission to help him get the information sought.
7. The SPIO stated that he informed the appellant to approach the DC's Office, Lawngtlai stating that since they are only the implementing/executing agency in the MLA's Local Area Development, and since the Deputy Commissioner, Lawngtlai District is the competent authority to sanction all work orders, it is unclear whether or not they could provide the appellant with the information that was requested without the approval of the DC's Office. He also stated that since they do not frequently receive RTI applications,

they did not open the online portal regularly as well. Consequently, when they logged in, as more than 5 (days) had passed, they could not no longer transfer the application to the competent authority via RTI Online and thus, informed the appellant to submit his RTI application to DC's Office, Lawngtlai.

OBSERVATIONS:

1. In the matter of the SPIO stating that they are only the implementing/executing agency in connection with the MLA's Local Area Development work and not the sanctioning authority, the Commission is of the view that the SPIO should have disclosed any information that is available with them without doubting himself as to whether he is authorized to do so or not unless the information sought invites relevant Sections of the RTI Act, 2005 that exempts disclosure.
2. In the matter of the SPIO's reply to the appellant before the First Appeal, **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.**

Instead of informing the appellant to write another RTI application, the SPIO, though he may be late in doing so, should have printed out the RTI application and transferred it manually to the DC's Office, Lawngtlai with an intimation to the appellant. **The Mizoram RTI Online portal is introduced to ease the process of submitting RTI applications, complaints and appeals by citizens, it is not meant to replace the existing system of manually submitting the aforementioned activities in writing.** The limitations of the RTI Online portal, if any, cannot be taken as an excuse for not being able to perform one's duties as an SPIO or DAA. Further, as a senior officer, the SPIO is advised to be more acquainted with the provisions of the Right to Information (RTI) Act, 2005. In the instant case, the Commission has taken a lenient view, however, such an incident should not be repeated in future.

DECISION:

In view of the facts and the statements made during the hearing, the Commission hereby directs that **Pu K. Kamal Chakma, SPIO & Executive Engineer, Public Works Department, CADC** shall provide to the appellant the following with compliance report to MIC along with all the enclosures not later than **10.10.2025 (Friday)**: -

1. Written letter that "Works Register" is not maintained in executing the MLA's Local Area Development works.
2. Certified copy of the list of workers utilized and amounts paid to them in executing the above-mentioned works.
3. Certified copies of the invoices of all the material purchased and hiring charges of machineries toward executing those above-mentioned works.

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. Rustom Chakma, H.no-8, Boranasury, po/ps-Borapansury, CADC, Lawngtlai, Mizoram-796770, Ph: 8686457050.
2. K. Kamal Chakma, SPIO & Executive Engineer, Public Works Department, CADC, Ph: 7085879410



(LILY)

Secretary

Mizoram Information Commission
Mizoram: Aizawl