

(16)

No. S.A. 81/2021 – MIC
MIZORAM INFORMATION COMMISSION
MIZORAM NEW CAPITAL COMPLEX
KHATLA, AIZAWL

Mr. F. Lalliansanga,
H.No: C-29/5, Electric Veng
Ph: 9436154489 / 9862837616
Mizoram, Aizawl.

Appellant

Mr. Lalvenhima,
State Public Information Officer (SPIO),
&
Sub-Divisional Officer (Sadar),
Office of the Deputy Commissioner,
Mizoram, Aizawl.

Respondent

ORDER
(15.11.2021)

The Mizoram Information Commission received Second Appeal dated 22.10.2021 filed by Mr. F. Lalliansanga against the State Public Information Officer (SPIO), office of the Deputy Commissioner, Aizawl, Mizoram. The appellant sought information on inquiry reports submitted by the Deputy Commissioner, Aizawl on the disaster incidents during July 2019 at BSUP Building, Durtlang and at Thuampui on 11.06.2021 respectively.

2. The appellant submitted an application under the RTI Act, 2005 to the SPIO, Disaster Management & Rehabilitation Department on 14.07.2021 with a request to furnish him the required information in his e-mail (liansangafanai@gmail.com). In reply, the Under Secretary, Disaster Management & Rehabilitation Department sent a letter dt. 20.07.2021 to the Deputy Commissioner, Aizawl District (that is also after mandatory period of 5 (five) days as per Section 6(3)) informing her to furnish the soft copy of the magisterial inquiry reports on the disaster incidents during July 2019 at BSUP Building, Durtlang and at Thuampui, Aizawl on 11.06.2021 by e-mail at liansangafanai@gmail.com. Copy of the letter dt. 20.07.2021 was also given to the appellant.

3. In reply, Pu Lalvenhima, SPIO & SDO (Sadar), Aizawl District sent a letter dt. 13.08.2021 to Mr. F. Lalliansanga informing that the information sought by him could not be furnished as such documents/records are not available in the office of the Deputy Commissioner, Aizawl. Being aggrieved, the appellant preferred First Appeal dt. 01.09.2021 to the Departmental Appellate Authority (DAA), office of the Deputy Commissioner, Aizawl District with a request to help him get the required information.

4. On not receiving any reply from the DAA, office of the Deputy Commissioner, Aizawl District, the appellant preferred Second Appeal dt. 22.10.2021 to the Chief Information Commissioner, Mizoram Information Commission.

5. In this connection, hearing was fixed in the office chamber of the Chief Information Commissioner on 15.11.2021 at 12:00 noon. As scheduled, hearing was held wherein Mr. Lalnunmawia Chuaungo, Chief Information Commissioner and Mr. Zorammawia, Information Commissioner were present. Both the appellant and respondent were also present.

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In the hearing, the respondent, Mr. Lalvenhima informed the Commission that even after a thorough search, they could not locate the inquiry reports submitted by the Deputy Commissioner, Aizawl District pertaining to both the incidents as it has been the practice of the office of the Deputy Commissioner not to maintain any record or to keep copies of such inquiry reports. He also informed that only the covering letter of the inquiry reports submitted are available in the office file. He then apologized for not handing over the appellant's letter within the stipulated period of 30 (thirty) days even though it was signed by him on 13.08.2021 as the office of the Deputy Commissioner, Aizawl was going through a tough time dealing with COVID-19 related cases. He also submitted a letter of apology to the Chief Information Commissioner and informed that a one-day RTI training was organized as sensitization campaign for all the officers and staff under the Deputy Commissioner's Office, Aizawl.

6. In the hearing, the appellant, Mr. F. Lalliansanga informed that he received a letter from the Departmental Appellate Authority on 26.10.2021 i.e., after he submitted his Second Appeal to MIC wherein, he was informed by Dr. Lalhriatzuali Ralte, Departmental Appellate Authority & Deputy Commissioner, Aizawl District that the inquiry report of BSUP Complex, Durtlang and Thuampui Lungrem Chim had already been submitted to the Government of Mizoram vide letter no. C.25015/1/2019-DC(A)/PB dt. 30.07.2021 & No. C.16011/351/2021-DC(A)/6 dt. 28.06.2021 and to approach the concerned department to obtain the required documents. He then handed over a copy of the DAA's letter to the Commission.

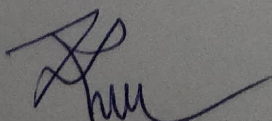
7. After hearing both the parties, the Commission has observed that: -

- i) Being the custodian of the inquiry report submitted on both the incidents, the SPIO, Disaster Management & Rehabilitation Department should have furnished one of the required information instead of transferring it all to the office of the Deputy Commissioner, Aizawl District as the required information is available as seen from the Deputy Commissioner, Aizawl's letter.
- ii) The DAA, D.C. Office should have replied to the appellant within mandatory period of 45 (forty five) days as per Sec 19(6) of the RTI Act, 2005. The DAA replied after a lapse of 55 (fifty five) days.

In view of the above, the Commission has hereby decided as under: -

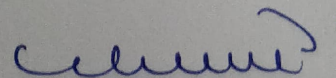
- i) The appellant, Mr.F. Lalliansanga is advised to submit his RTI application afresh to the SPIO, Disaster Management & Rehabilitation Department.
- ii) The SPIO, Disaster Management & Rehabilitation Department is advised to furnish information that is available in their office free of cost as per Section 7(1)(6) of the RTI Act, 2005 and is further advised not to transfer it to other departments before confirming the availability of the required information with their own public authority in future.

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



(ZORAMAWIA)
Information Commissioner
Mizoram Information Commission





(LALNUNMAWIA CHUAUNGO)
Chief Information Commissioner
Mizoram Information Commission