
Pu Vanlalruata,
President, PRISM
V-27/C Venghlui, Aizawl Mizoram. : Appellant

Vrs

Departmental Appellate Authority,
Vigilance Department, Govt.of Mizoram. : Respondent.

DECISION
(04.01.2012)

The Mizoram Information Commission has received Second Appeal from Pu Vanlalruata, President, PRISM V-27/C Venghlui Aizawl Mizoram under Section 19(3) of the RTI Act, 2005 against the Order dt.24.11.2011 passed by the Departmental Appellate Authority, Vigilance Department, Government of Mizoram for not giving the information requested under RTI Act, 2005. The Appellant also sought a relief for directing the SPIO, Vigilance Department to furnish him the required information and to take appropriate action against the Departmental Appellate Authority and the SPIO, Vigilance Department under Section 20(1) of the RTI Act, 2005 for denying to supply the information sought by him.

2. BACKGROUND OF THE CASE: The Appellant, Pu Vanlalruata, President PRISM made an application under RTI Act to the SPIO, Vigilance Department, Government of Mizoram on 17.10.2011 with a request to supply Photo Copy of the ACB’s Investigation Report against Dr N.Pallai, erstwhile Director of Health Services, Mizoram. However, the SPIO, Vigilance Department rejected the application on the ground that the information sought for is exempted from disclosure under Section 8(1)(h) of the RTI Act, 2005 and communicated his decision to the applicant in writing on 21.10.2011.

3. Feeling aggrieved, First Appeal has been filed by the Appellant under Section 19(1) of the RTI Act, 2005 to the Departmental Appellate Authority, Vigilance Department, Govt. of Mizoram on 01.11.2011. The case has been trailed by the Departmental Appellate Authority, Vigilance Department and upheld the decision of the SPIO, Vigilance Department.

4. Being aggrieved with the Order of the Departmental Appellate Authority, Vigilance Department, the Second Appeal was preferred by the Appellant under Section 19(3) of the RTI Act, 2005 before the Mizoram Information Commission. On 12.12.2011, the Special Secretary (Vigilance) –cum- First Appellate Authority, Vigilance Department was informed to present the case, by himself or his representative and to justify his position before the State Chief Information Commissioner, Mizoram Information Commission and also informed to bring all relevant documents for examination on 21.12.2011 (Wednesday) at 11.00 A.M.

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5. **Hearing for Respondent** was held on 21.12.2011 and the concerned SPIO Pu B.Zahmuaka, Under Secretary, Vigilance Department appeared in person before the Commission and presented the case with documentary evidences, etc.

6. In response to the letter No.S.A.25/2011-MIC dt.21.12.2011 issued by the Secretary, Mizoram Information Commission, Pu Vanlalruata the appellant also appeared before the Commission on 04.01.2012 and **Heard**. He presented his views on his **Appeal** in respect of the **Order** of the Departmental Appellate Authority of Vigilance Department, Mizoram.

7. The Commission has carefully considered the RTI request made by the appellant as well as the present position of the ACB’s Investigation Report against Dr N.Pallai. The Commission also examined the Respondent’s opinion in its Order and affirmed in line with the decision of the Central Information Commission in the case of K.S.Prasad Vrs Securities and Exchange Board of India vide No.CIC/AT/A/2007/00234 dt.11.12.2007 which cited - "as soon as an investigation or an Enquiry Officer in Civil and Administrative matters comes to an end and the investigation report is submitted to a higher authority, it cannot be said to be the end of investigation. The receipt of the investigating officer’s report by the competent authority is followed by a host of other actions such as commencement of disciplinary proceedings, further enquiry, assessment proceedings in Income Taxes and so on, which themselves assume the characteristics of ‘investigation’ which can truly said to be concluded only after the decision of the competent authority”.

8. The Mizoram Information Commission agreed with the decision of the Departmental Appellate Authority, Vigilance Department, Mizoram in not providing the information requested by the Appellant as investigation is not yet completed which can be exempted from disclosure of information in terms of Section 8(1)(h) of the RTI Act, 2005 which read - "information which could impede the process of investigation or apprehension or prosecution of offenders”.

9. Therefore, the Commission is convinced that at this stage, it is not possible to ask the Vigilance Department to supply the information sought by Pu Vanlalruata and, under Section 8(1)(h) of the RTI Act, upheld the **Order** of the Departmental Appellate Authority, Vigilance Department, Mizoram.

10. However, the Commission would like to draw attention to the Vigilance Department, Mizoram to ensure that the case is vigorously pursued and achieved the final end at an early date.

11. The appeal is accordingly disposed of and closed at the Commission’s end.

12. Copies of the Decision be given free of cost to the parties.

(LAL DINGLIANA) IFS (Rtld)

Chief Information Commissioner

State Chief Information Commissioner,

Mizoram Information Commission

Mizoram: Aizawl.