The Mizoram Information Commission (MIC) has received Second Appeal dt.12.01.2015 from Pu Laltluanga, Forest Guard Pensioner, South Kanan, Aizawl against the State Public Information Officer (SPIO), Environment & Forest Department, Dampa Tiger Reserve, West Phaileng seeking information with respect to the unpaid bill for work done by him for weeding of Teak Plantation at Liandelh kam, Saithah ram.

BACKGROUND OF THE CASE: The Appellant had submitted an RTI Application dt.08.08.2014 to the State Public Information Officer (SPIO), Environment & Forest Department, Dampa Tiger Reserve, West Phaileng. The information sought can be seen as under :-

(a) “2008-2009 a 60 HA teak plantation, Liandelh kam, Saithah ram a mi 1st weeding & 2nd weeding ka thawhna pawisa hi pek chhuah a ni tawh em? Pek tawh a nih chuan tu hnenah nge pek a nih? La pek loh a nih chuan pek lohna chhan?.

(b) Information in a huam chhung : 2008-2009”.

2. The Respondent Pu Laltlanhlua Zathanga, SPIO / Field Director, Dampa Tiger Reserve, West Phaileng sent his reply under letter No.C.29011/2/2006-PT(D)/ dt. 28th August, 2014 indicating that –

“Information I rawn dil ang hian 2008-2009 a 60Ha teak plantation, Liandelh kam, Saithah ram a mi 1st weeding leh 2nd weeding hi nangmah ngeiin I draw niin a lang a, nangma account October/2008 ami pawh a photo copy kanrawn thawn e’.

3. In the meantime, Pu Laltluanga, South Kanan, Aizawl submitted another RTI Application dt.08.09.2014 to the State Public Information Officer, Dampa Tiger Reserve, W.Phaileng and the information sought can be seen as follows :-

(a) “Teak Plantation 2008 a Liandelh kam, Saithah ram a siam, kum 2009, second year a 1st & 2nd weeding ka thawhna kha pek ka la nilo a, pek ka nih loh chhan leh pek ka nih hun tur min hriattir turin ka ngen a che.

(b) Information in a huam chhung : 2009”
4. Having not received any response from the SPIO, the Appellant preferred First Appeal dt. 04.12.2014 before the Departmental Appellate Authority (DAA), Conservator of Forest, Environment & Forest Department under letter No.Nil. dt. 04.12.2014 as follows:


Dampa Tiger Project hnuiai Accountant Pi Zautei pawh ka zawt a, mumal takin min chhang thei lova, ‘I account ah kan rawn thawn tawh lo maw. FDA pawisa chu lak chhuah vek a ni tawhin ka hria’ a ti ang reng bawk si. Keiman Phaileng ‘W’ Rural Bank a ka account chu 2010 kum tawp lamah ka Block tir vek tawh si a, thil diklo hi a awm niin a lang.

Dt. 8.8.2014 khan Pu Lalrinmawia, Field Director sent a reply letter to Pu Laltluanga, South funan Aizawl indicating:

“Teak Plantation 2008-2009 a Liandelh kam Saithah ram a ni 1st weeding leh 2nd weeding hi nangmah ngeiin I thawk a, I thawh a lamma Account October/2008 pawh a photo copy ka rawn thil tel e”.

5. Vide letter No.C.290111/2/2014-PT(D) dt.11.12.2014, Pu Lalrinmawia, Field Director sent a reply letter to Pu Laltluanga, South Kanan Aizawl indicating:-

“Teak Plantation 2008-2009 a Liandelh kam Saithah ram a ni 1st weeding leh 2nd weeding hi nangmah ngeiin I thawk a, I thawh a lamma Account October/2008 pawh a photo copy ka rawn thil tel e”.
6. Being aggrieved, the Appellant filed his **Second Appeal** to the Mizoram Information Commission under letter No.Nil dt.12.01 2015 as follows:


Heng ka information dilnaa hian IPO hmangin Application fee leh a chhanna an rawn thawnna tur ka thawn tel ngthal zel a, IPO copy te pawh ka han thil tel nghal e. Tin, a chunga ka sawi tak lekhla te pawh khi a copy ka han thitl tel nghal vek bawk e".

7. After perusal of the Second Appeal submitted by the Appellant, Mizoram Information Commission instructed the Departmental Appellate Authority (DAA), Environment & Forest Department, Mizoram to submit his clarification on the matter vide No.C.106/2015-MIC dt.18.02.2015. In reply vide No.C.290112/2014-PT(D)/116 dt.10.03.2015, Pu Lalrinmawia, Field Director, Dampa Tiger Reserve, W.Phaileng submitted his explanation as under :

"Pu Lalitlauhla F/G (Retd.) zawhna hmasa ber dt.8.8.2014 ah khan 2008-2009 Plantation 60 HA a zu Liandelh ram a mi 1st weeding leh 2nd weeding thawnna pek tawl a nih leh nih loh a rawn zawl a. He a zawhna hi dt.28.08.2014 khan Pu Lalitlauhlu Zaithanga, kha tih lai huna Field Director khan chhanna a pe tawl a (copy enclosed), Pu Lalitlauhla, F/G Retd. hnenah hian 1st & 2nd weeding atana pawisa hi pek nege a ni. (pek nege a ni tih lantirna account Xerox copy pawh Pu Tlanhlua hian a thil tel nghe nghe)


Office record-a a lan danin 2009-2010 Financial year chhun hian he plantation enkawlna tur hi sum pakhatmah hmuh a ni lo. Tichuav 2nd year maintenance atana 1st weeding thawn nan November, 2010 ah fund hmuh chaush a ni a, he 1st weeding hna hi amah Pu Lalitlauhla hian a thawk nghe nghe. Tichuav 2nd weeding thawnna Pu Lalitlauhla'n a han tarlan atana sum phei hi chu March, 2011 ah chaush hmuh a ni a. *(hetih mek lai hian Pu Lalitlauhla hian 2nd year maintenance 2nd weeding hi kum 2009 chhun khan a thawk)*
On having received the required information, the Mizoram Information Commission conducted Hearing of both the parties as follows:-

(A) **Hearing of the Respondent** Pu Lalrinmawia, Field Director, Dampa Tiger Reserve was held in the office chamber of the Chief Information Commissioner on 16.04.2015. The Hearing was conducted by **Pu Lal Dingliana, Chief Information Commissioner, MIC** and **Pu L.Hrangnawna, Information Commissioner**.

(a) During the hearing, the Chief Information Commissioner, MIC asked the Respondent as to whether the period covered by 2008-2009 is a Calendar Year or Financial Year? In reply, the Respondent stated that the period covered by 2008-2009 is a Government Financial Year. The CIC further asked whether weeding Work Order were issued in writing to the Appellant in this case? Pu Lalrinmawia the Respondent in reply said that they issued Work Order in writing. The Respondent was also asked by the CIC, if they are maintaining the list of worker / labourer and payment vouchers in their office? In reply he said they maintained list of workers / labourers and payment vouchers in their office. The Chief Information Commissioner further asked how payment of the 1st weeding and the 2nd weeding works of 2008-2009 Financial Year could be paid in October, 2008? In reply he said that as fund is available, payment could be made in October, 2008.

(b) The Information Commissioner, Mizoram Information Commission also asked whether payment for 1st weeding and 2nd weeding work in 2009 was paid to the Appellant Pu Lalitluanga? In reply the Respondent told the Commission that there was no fund sanctioned for 2009-2010 in time. He further said that for the second year maintenance of the 1st weeding work they received fund in November, 2010 and payment was made to Pu Lalitluanga who had executed the work. He also said that fund for second maintenance of second weeding (i.e.2009) was received only during March, 2011 and this work was allotted to Pu Johny Lalunnumawia, Forester and from the office record, there is no evidence of proof that the second weeding work was executed by the Appellant. The Respondent was directed to submit clarifications to the earlier queries of the Commission with more detail and supporting documents to support their stand for further study of the case.
(c) The Respondent submitted his clarification vide No.B.12017/1/2012-CWLW/84 dt. 22.04.2015 as under:

"Forest Development Agency (FDA) guideline angin Territorial DFO te, Field Director, Dampa Tiger Reserve te hi an bial ah Chief Executive Officer an ni a, an hmaula field staff e.g. Forest Ranger/Dy.Ranger/Forester/Forest Guard te chu VFDC Member-Secretary atana hman an ni a. Member-Secretary leh VFDC President te hian Bank ah joint account hawnin VFDC plantation enkawlna tura sum lo kal ang ang chu an account ah thin thin a ni. Hemi ang hian Pu Lalitluanga Forest Guard pawh hi Member-Secretary, Saithah-II VFDC atan CEO in a ruat a ni.


Kum 2008-2009 hian creation bakah 1st & 2nd weeding thawh a ni. 2009-10 hi 2nd year a ni a, hemi kum hian amah mai nilovin Dampa FDA pumpui a member-secretary dange pawhin sanction an hmu lo. Kan thing phunte hnimin a dip chhia oh nan a enkawltu member-secretary ten anmahni remhriat dan ang angin hma an la a, sanction hi hmu a nih tak loh avangin liability VFDC secretary ah tam tak a awm a, chuvangin liability dilna sawkar ah theh luh thin a ni a, vanduathlak takin heta tana sum hi tun thlengin kan la hmu thei ta lo a ni. Pu Lalitluanga'nh 1st & 2nd weeding 2009 thawh na sum min pe lo a tih tak a hi he 2009-2010 financial year chhunga FDA sanction kan hmuh tak loh avanga pek loh a ni. Hetaa hian 2009-2010 leh 2010-2011 financial year hi a zawhna ngun taka han enin a ngathpawh a ni tih a hriat theih”.

(B) Hearing of the Appellant Pu Lalitluanga, Forest Guard pensioner, South Kanan, Aizawl was held in the Office Chamber of the Chief Information Commissioner, MIC on 01.07.2015 at 11.00 a.m. Both the Chief Information Commissioner and the Information Commissioner conducted the hearing.

(a) During the hearing, the Chief Information Commissioner, MIC pointed out the required information sought by the Appellant in his letter dt.08.08.2014 and asked as to whether the period covered for information was 2008-2009? In reply, the Appellant stated that he had wrongly indicated as 2008-2009 but the actual period covered for information is 2009. The CIC further asked as to whether he received money for the 1st weeding and 2nd weeding of 2008-2009? He stated that he had fully received the
money for the 1st weeding and the 2nd weeding for the year 2008 but not yet received for the year 2009 though the 1st & the 2nd weeding were actually undertaken by him. The CIC asked as to whether the Appellant is having any document for engagement of manual labourers for the 1st weeding and the 2nd weeding of 2009-2010? Whether he signed or not on the Payee Receipt? Whether he get the payment for the weeding work in 2010-2011? The Appellant stated that he does not have any document to prove that he had actually engaged the daily labourers. When the weeding works had been completed, the labourers, who were mostly Reangs, returned to their respective villages without giving their signatures in token of receiving the money. He, in turn, submitted a report to the Forest Office at W.Phaileng and all that process required to that effect was done and completed by the office. He informed that he did not sign / put his signature while being paid the sanction money. He mentioned that he was paid for 2011 but they indicated the year as second year.

(b) The Information Commissioner also asked as to whether Allotment Order to undertake the weeding works was issued to him and whether he got the same? The Appellant replied that the Forest Guard are made VFDC Member-Secretaries in their respective jurisdiction and he himself was also made as the Member-Secretary at Saithah. Separate Allotment Order / Work Order had never been given to him for executing the weeding work and he does not have any copy of the same.

9. The definitions of information, record and right to information in clause (f), (i) and (j) of Section 2 of the RTI Act, 2005 are extracted below :-

(f) “information” means any material in any form, including records, documents, memos, e-mails, opinion, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force;

(i) “record” includes -
(a) any document, manuscript and file;
(b) any microfilm, microfiche and facsimile copy of a document;
(c) any reproduction of image or images embodied in such microfilm (whether enlarged or not); and
(d) any other material produced by a computer or any other device;
(j) "right to information" means the right of information accessible under this Act which is held by or under the control of any public authority and includes the right to –

(i) inspection of work, documents, records;
(ii) taking notes, extracts or certified copies of documents or records;
(iii) taking certified samples of material;
(iv) obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device;

10. After hearing both parties, the Commission observed that –

(a) The Appellant had undertaken the 1st weeding & the 2nd weeding of Teak Plantation at Liandelh kam, Saithah ram in the first year during the Financial Year 2008-2009 and full payment had been received by the Appellant from the Respondent in October, 2008. The Commission confirmed the signature appended in the payment vouchers was actually done by Pu Laltluanga, Appellant.

(b) With respect to the 1st weeding in the second year during the Financial Year 2009-2010, payment could not made by the Respondent in time due to late receipt of the allotment of fund but it was paid to the Appellant in 2010-2011.

(c) With respect to the 2nd weeding in the second year, the Appellant claimed that the weeding works was actually done by him but he could not produce before the Commission any documents to prove that he had actually done the weeding works. He got copies of only clicked photos of the weeding which cannot be accepted as a valid proof. Meanwhile, the Respondent mentioned that the 2nd weeding was done by Johny Lalnunmawia, Forester.

(e) The Appellant stated that he was not given any copy of the Work Order but verbally informed him to perform the weeding of Teak Plantation, he did not obtain the signature of the labourers while making payment of their wages. At the same time, the Respondent informed the Commission that they had issued work order in writing and they maintained list of workers / labourers as well as payment vouchers in their office.

(f) The Appellant in this case had raised some queries in his RTI application which does not come within the purview of information as defined in Section 2(f) of the RTI Act, 2005.
11. In view of the above, the Commission hereby directs the Respondent to intimate the Appellant the correct position of the weeding works done by the Department along with the amount of sanction and disbursement of fund during the year 2009-2010 and 2010-2011. He is also directed to provide copies of work orders, payment vouchers, list of workers readily available in their record if the aforementioned documents are required by the Appellant. The Appellant is also informed to note that the Commission is not a grievances redressal forum or to solve problem and he is advised to raise his grievance before the concerned competent authority.

The Appeal is disposed of with the above direction.

(L.HRANGNAWNA)
Information Commissioner
Mizoram Information Commission

(LAL DINGLIANA)
Chief Information Commissioner
Mizoram Information Commission