

MIZORAM INFORMATION COMMISSION

(Under the RTI Act, 2005)

MINECO, KHATLA, AIZAWL

Landline: 0389-2334833 / Email: mic.mizoram@gmail.com / Website: mic.mizoram.gov.in

Case No. C. 171/2025-MIC

Zodinsanga,
Kanan

...Complainant

Vs

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

...Respondent

RTI application filed on	:	07.08.2025
SPIO replied on	:	25.08.2025
First Appeal filed on	:	NIL
Complaint received on	:	28.08.2025
Date & Time of hearing	:	19.09.2025 at 01:00 PM
Date of decision	:	19.09.2025

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

FACTS:

- The complainant submitted an RTI application seeking information on the following: -
 - Technician thla ruk pay slip an thehluh kha an hming leh hlawnh zat an tarlan te min pe turin ka ngen a che..
 - Aizawl a an office address location an dah hi khawi hmun nge tih leh a dik em tih min hrilh theih chuan?
 - Desktop computers and accessories 800 aia tam Aizawl chhungah an supply tawh ni a an tarlan dan kimchang min pe turin ka dil a che?
- The SPIO furnished the reply for each point of the RTI application as follows: -

“RTI Act 2005 Section 8(d) & (e) sawi angin third party ten an phal anih loh chuan emaw, mipui tan a tha zawk dawn emaw anih loh chuan pek chhuah a rem lo a, I hre duh a nih chuan third party te phalna i neih phawt a ngai a ni.”
- Not satisfied with the reply received from the SPIO, complaint has been submitted to MIC. In the complaint, the complainant stated that obtaining third party consent is not the

responsibility of the information seeker but the SPIO's. Further, the complainant believes that as the technical and financial bid of the tender is completed, the information sought does not invite Section 8(d) & (e) of the Act and third-party consent is no longer needed. Summons were issued to the complainant and respondent to appear before the Commission on 19.09.2025 (Wednesday) at 01:00 PM.

4. As scheduled, hearing was held where the complainant accompanied by Pu Hmingthansiamia and the respondent SPIO accompanied by Pu Zionparlawma, SPIO & Deputy State Project Director, Samagra Shiksha, Mizoram all appeared in person.
5. The complainant reiterated the contents of his RTI application and stated that the information sought is required urgently as it is related to a tender bid they participated in. The SPIO could have been justified in denying information under Section 8 of the RTI Act if the tender process is still ongoing. However, as the bidding is already finalized and the supply order awarded, the information sought no longer requires third-party consent.
6. The respondent SPIO stated that the reason why the information sought was denied is because he believes that the matter relates to information the disclosure of which would harm the competitive position of a third party, and information available to a person in his fiduciary relationship.

OBSERVATION:

1. The SPIO erred in his reply instructing the complainant to seek third-party consent. It is the duty of the SPIO to obtain consent from any third-party, if he is of the opinion that the matter relates to third-party information.
2. A division bench of Jharkhand High Court has held that once final decision has been taken in regard to grant of tender, then tender documents can be disclosed [State of Jharkhand v. Navin Kumar, AIR 2008 Jharkhand 19]. The High Court held – ***“Prima facie, we are of the view that once a decision is taken in the matter of grant of tender, there is no justification to keep it secret. People have a right to know the basis on which the decision has been taken. If tenders are invited by the public authority and on the basis of tender documents, the eligibility of a tender or a bidder is decided, then those tender document cannot be kept secret, that too, after the tender is decided and work order is issued on the ground that it will amount to disclosure of trade secret or commercial confidence. If the authorities of Government refuse to disclose the document, the very purpose of the Act will be frustrated. Moreover, disclosure of information, sought for by the petitioner, cannot and shall not be a trade secret or commercial confidence; rather disclosure of such information shall be in public interest, inasmuch as it will show the transparency in the activities of the Government.”***

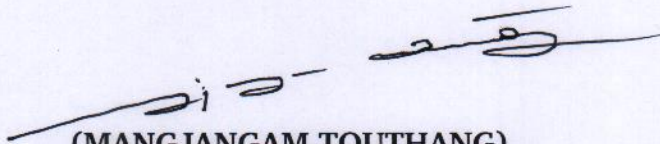
Here, the SPIO should have provided the information sought instead of treating it as third party information since the case pertains to matters that ought to be put up openly in public domain and since it is a public activity carried out in public interest.

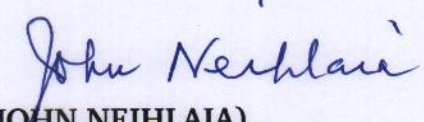
3. Section 18(1) of the RTI Act permits any person to directly approach the State Information Commission who has been refused access to any information requested under this Act. Hence, the complaint is entertained by MIC. As a public servant and a State Public Information Officer, Pu C. Chawngthantluanga is expected to be more acquainted with the provisions of the RTI Act, 2005.

DECISION:

Considering the facts of the case and the statements made by both the parties, the Commission directs that **Pu C. Chawngthantluanga, SPIO & Deputy State Project Director, Samagra Shiksha, Mizoram shall provide certified true copies of the information sought to the appellant, free of cost, not later than 26.09.2025 (Friday) with compliance report to this Commission along with all the enclosures.**

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

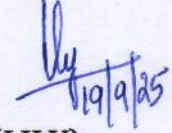

(MANGJANGAM TOUTHANG)
Information Commissioner
Mizoram Information Commission


(JOHN NEIHLAIA)
Chief Information Commissioner
Mizoram Information Commission



Copy to: -

1. Zodinsanga, Kanan Veng, Aizawl, Ph: 8729821525.
2. C. Chawngthantluanga, SPIO & Deputy State Project Director, Samagra Shiksha, Mizoram, Ph: 9436150957.



(LILY)

Secretary

Mizoram Information Commission

Mizoram: Aizawl

