



MIZORAM INFORMATION COMMISSION

(Under the RTI Act, 2005)

MINECO, KHATLA, AIZAWL

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Case No. S.A. 263/2025-MIC

Dated Aizawl, the 30th October 2025

**Vanramliana,
Zemabawk**

...Appellant

Vs

**1. Laltlanzovi Sailo,
SPIO & Deputy Director (Admn),
Land Revenue & Settlement Department
(Directorate & District)**

...Respondents

**2. R. Lalthazuala,
DAA & Director,
Land Revenue & Settlement Department
(Directorate & District)**

RTI application filed on	:	15.01.2025
SPIO replied on	:	NIL
First appeal filed on	:	20.06.2025
DAA order / replied on	:	NIL
Second Appeal dated	:	10.09.2025
Date of Hearing	:	30.10.2025 at 02:00 PM
Date of Decision	:	30.10.2025

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

FACTS OF THE CASE:

1. The appellant sought information from the respondent SPIO as follows: -

“Dt.6.2.2024 a ramri complaint chungchang a ram endik tura lekha kan dawn ara ram teh chungchanga zawhna (Reference Letter no. C 13016/72/DISP-N/2023-

DTE(REV) dated 24th January 2024). He ram teh chuanchangah Pu Hmangaihzualla Surveyor report min pe thei em? Puh ka nihna angain Pu K Lalrozama te ram chhungah BAN ka phun an hmu em?”

2. The SPIO did not give any reply and the DAA also remained silent on the matter. Second Appeal was preferred and summons was issued to the appellant and respondents to appear before the Commission on 29.10.2025 (Wednesday) at 02:00 PM which was rescheduled on 30.10.2025 (Thursday).
3. Hearing was held where both the appellant and respondents appeared in person.
4. The appellant stated that he is aggrieved that no information or reply was given by the respondents and even if they are unable to locate the file, they could at least inform him of the matter as his mobile number is available in the online portal.
5. The DAA apologized for the lapse on their part and assured the Commission that such lapses will not occur in future. He also informed that they have started hearing both parties for First Appeal cases in the recent past. Pertaining to this case, he mentioned that a thorough search for the file containing matters relating to the information sought was conducted but they are unable to trace out its location.

OBSERVATIONS:

1. Section 7(1) of the RTI Act provides that, “*...the Central Public Information Officer or State Public Information Officer, as the case may be, on receipt of a request under section 6 shall, as expeditiously as possible, and in any case within thirty days of the receipt of the request, either provide the information on payment of such fee as may be prescribed or reject the request...*”. Further, Section 7(2) provides that, “*If the Central Public Information Officer or State Public Information Officer, as the case may be, fails to give decision on the request for information within the period specified under sub-section (1), the*

Central Public Information Officer or State Public Information Officer, as the case may be, shall be deemed to have refused the request". This is not the first instance that Pi Laltlanzovi Sailo, SPIO & Deputy Director failed to provide any response to RTI cases received by their office. This is a serious violation of the provisions of the RTI Act as non-response is considered "deemed refusal" of the request and would amount to denial of information which can be dealt with as per Section 20 of the RTI Act, 2005.

2. It has also been observed that Pu R. Lalthazuala, DAA & Director, though instructed by this Commission on earlier occasions to exercise his quasi-judicial powers, fails to conduct hearing for the First Appeal cases received by him. He is once again directed that he shall, in every case inform the date of hearing at least seven (7) clear days before the date fixed as per Rule 7(5)(a) of the Mizoram RTI Rules, 2010. Order of the DAA shall be pronounced in open court and be in writing duly authenticated by the DAA for this purpose and strictly adhere to the relevant provisions of the RTI Act/Rules for every First Appeal received by him in future.
3. In the instant case, the information sought by the appellant is not information that is exempted under Section 8 of the RTI Act, 2005 and therefore, the excuse of the file being missing/untraceable resulting in the SPIO not being able to provide information cannot be accepted by the Commission.
4. As per the Section 5 (1) of the Mizoram Public Records Act, 2011 (as amended in 2024), *"Every record creating agency shall nominate one of its officers as records officer to discharge the functions under this Act, otherwise, the Administrative Head, Head of Department or Head of the office shall be deemed to be the records officer"*. Therefore, if the department had not nominated any officer as Records Officer in respect of Directorate of Land Revenue & Settlement, Pu R. Lalthazuala, Director, is deemed to be the Records Officer. Cases of office files/records missing indicate the incompetency and negligence of the public authority.

5. The Commission is in agreement with the decisions/rulings of the Central Information Commission and High Courts that records that are not destroyed as per the prescribed rules of destruction should continue to be available with the Public Authority. And also that necessary action to fix responsibility for loss of public record, appropriate disciplinary action and/or action under relevant provisions of the Mizoram Public Records Act, 2011 (as amended in 2024) should be taken by the public authority. In *Sh. Om Prakash Vs Land & Building Department*, GNCTD dated 29.08.2014, the Central Information Commission had observed that: -

Unless proven that record was destroyed as per the prescribed rules of destruction/ retention policy, it is deemed that record continues to be held by public authority. Claim of file missing or not traceable has no legality as it is not recognized as exception by RTI Act. By practice 'missing file' cannot be read into as exception in addition to exceptions prescribed by RTI Act. It amounts to breach of Public Records Act, 1993 and punishable with imprisonment up to a term of five years or with fine or both. Public Authority has a duty to initiate action for this kind of loss of public record, in the form of 'not traceable' or 'missing'. The Public Authority also has a duty to designate an officer as Records Officer and protect the records. A thorough search for the file, inquiry to find out public servant responsible, disciplinary action and action under Public Records Act, reconstruction of alternative file, relief to the person affected by the loss of file are the basic actions the Public Authority is legitimately expected to perform.

If the file could not be traced in spite of best efforts, it is the duty of the respondent authority to reconstruct the file or develop a mechanism to address the issue raised by the appellant.

6. Hon'ble Delhi High Court in *Union Of India Vs. Vishwas Bhamburkar* [2013(297)ELT500(Del.)] with regard to the plea of the Respondent authority of record being not traceable, has observed as follows: -

"5. The Right to Information Act is a progressive legislation aimed at providing, to the citizens, access to the information which before the said Act came into force could not be claimed as a matter of right. The intent behind enactment of the Act is to disclose the information to the maximum extent possible subject of course to certain safeguards and exemptions. **Therefore, while**

interpreting the provisions of the Act, the Court needs to take a view which would advance the objectives behind enactment of the Act, instead of taking a restrictive and hyper technical approach which would obstruct the flow of information to the citizens.

6. This can hardly be disputed that if certain information is available with a public authority, that information must necessarily be shared with the applicant under the Act unless such information is exempted from disclosure under one or more provisions of the Act. It is not uncommon in the government departments to evade disclosure of the information taking the standard plea that the information sought by the applicant is not available. **Ordinarily, the information which at some point of time or the other was available in the records of the government, should continue to be available with the concerned department unless it has been destroyed in accordance with the rules framed by that department for destruction of old record. Therefore, whenever an information is sought and it is not readily available, a thorough attempt needs to be made to search and locate the information wherever it may be available. It is only in a case where despite a thorough search and inquiry made by the responsible officer, it is concluded that the information sought by the applicant cannot be traced or was never available with the government or has been destroyed in accordance with the rules of the concerned department that the CPIO/PIO would be justified in expressing his inability to provide the desired information. Even in the case where it is found that the desired information though available in the record of the government at some point of time, cannot be traced despite best efforts made in this regard, the department concerned must necessarily fix the responsibility for the loss of the record and take appropriate departmental action against the officers/officials responsible for loss of the record.** Unless such a course of action is adopted, it would be possible for any department/office, to deny the information which otherwise is not exempted from disclosure, wherever the said department/office finds it inconvenient to bring such information into public domain, and that in turn, would necessarily defeat the very objective behind enactment of the Right to Information Act.”

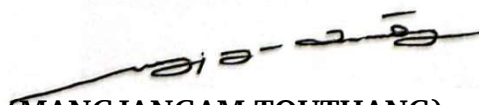
7. The Commission, therefore, deems the public authority as continuously holding the information, until and unless they prove that the information was destroyed in accordance with the existing rules provided for the same. Any claim of defence that the file is missing without any proven effort to trace the same, would amount

to denial of information which can be dealt with as per Section 20 of Right to Information Act, 2005.

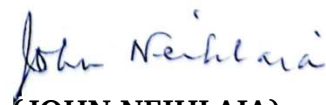
DECISION:

In view of the above, the Commission hereby directs that **Pi Laltlanzovi Sailo, SPIO & Deputy Director (Admn), Directorate of Land Revenue & Settlement** shall conduct a thorough search of the missing file and if the file cannot be located, she will initiate reconstruction of the file and submit action taken report to this Commission not later than **14.11.2025 (Friday)**. Based on the report submitted, a second round of hearing will be held on **18.11.2025 (Tuesday)** at **01:00 PM** wherein the timeframe for furnishing reply to the information sought by the appellant will be pronounced.

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. Vanramliana, Zemabawk, Aizawl, Mob: 7005206160.
2. Laltlanzovi Sailo, SPIO & Deputy Director (Admn), Directorate of Land Revenue & Settlement Department, Ph: 9856636392.
3. R. Lalthazuala, DAA & Director, Directorate of Land Revenue & Settlement Department, Ph: 8415806438.


(LILY)

Secretary
Mizoram Information Commission
Mizoram: Aizawl