

Case No. S.A. 270/2025-MIC

David Lalrinchhana,
Luangmual, Aizawl.

...Appellant

Vs

1. P.C. Lalduhthanga,
SPIO & Joint Secretary,
Home Department.

...Respondents

2. Vanlalmawia,
DAA & Secretary,
Home Department

RTI application filed on	:	28.06.2025
SPIO replied on	:	11.07.2025
First Appeal filed on	:	12.07.2025
DAA issued order/replied on	:	NIL
Second Appeal received on	:	30.09.2025

Date & Time of hearing	:	04.11.2025 at 12:00 Noon.
Date of decision	:	04.11.2025

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

FACTS OF THE CASE:

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

- i) Raltlan 2022 atanga vawiin thlenga awm zat, an lo kalna hmun leh an chet vel dan, an awmna hmun hlawm lian deuh te.
- ii) Raltlan zinga pawl khawih awm zat? Jail tang mek leh case nei awm zat? An lo kalna hmunte nen.
- iii) Raltlan awm hma kum 5 chhunga ruihhlo tawlh leh dan phal loh man data kimchang leh raltlan awm tam hmu data kimchang nen.
- iv) Raltlan chhinchhiah an ni em? Sawrkar in engtianga hma lak zui nge a tum? An hmalam hun turte? A enkawl mek dante nen?

- v) *Raltlan tana sawrkar thiltih tawh zawng zawng liantham*
- vi) *Deuh (eg Education, Health leh sum leh pai pek tawh) central leh state sawrkar sum pek tawh a hrangin ziah lan ni se.*
- vii) *Central sawrkar atanga hnawh haw leh tumna a awm em? Engtiangin nge tunah an hmuh? Eng zat nge hnawt kir tura an tih?*
- viii) *Raltlan thi tawh zat leh an chhuk chhoh dan data kimchang.*
- ix) *Raltlan tana Khawtlang leh kohhran hmalakna sawrkarin a hriatpui chin ang ang kimchang takin.*
- x) *Raltlan zinga zirna kalpui dan leh order te thil tel ni se, an zinga document nei thei lo hriat thiam an awm em? Nei lo a ruka siam man an awm em? Engtianga hma lak tur nge?*
- xi) *Kan CM in opposition laia a sawi ID leh ration card pek kha hmalak zuina a awm em? Dan phal a ni reng em?*
- xii) *NGO tena ILP an check thin hi sawrkarin a hriatpui em? Engtiangin nge thawhhona an neih?*
- xiii) *Vai sum khawnsak awm thin hi sawrkarin a hriatpui em? Engtianga hmalak nge a tum?*
- xiv) *Vai hren beh case leh complain awm ang anga sawrkar hmalak tawhna? A hreng bettu MSU President mantu IPS kha sawn phah a ni reng em?*

2. The appellant, not satisfied with the reply received from the SPIO, preferred First Appeal. As the DAA did not take any action on the matter, Second Appeal has been preferred and summons were issued to the appellant and respondents to appear before the Commission on 04.11.2025 (Tuesday) at 12:00 Noon. As scheduled, hearing was held where the appellant and the respondent SPIO appeared in person; the DAA, however, was absent without any intimation to the Commission.
3. The appellant informed the Commission that he is a Research Scholar and that he requires the information as he is carrying out a research relating to refugees in Mizoram. He also expresses his grievances towards Home Department denying him the information sought when the same had been furnished to his peers. He, however, mentioned that since the information sought pertaining to office of the Deputy Commissioners, Police Headquarters, Food, Civil Supplies & Consumer Affairs and School Education Department have already been furnished to him by the concerned SPIOs, he would be satisfied if the respondent SPIO provides him with point no. 1 of his RTI application.

4. In reply, the SPIO stated that since they believe the information sought is sensitive in nature, the information cannot not be disclosed and hence, their reason for invoking Section 8(1)(g) of the RTI Act.

OBSERVATION:

1. In the matter of the SPIO's reply to the appellant, **Section 6(3) of the RTI Act, 2005 provides that where an application is made to a public authority requesting for any information which is held by another public authority or the subject matter of which is more closely connected with the functions of another public authority, the public authority to which such application is made, shall transfer the application to the other public authority and inform the applicant immediately about such transfer.** Here, the SPIO should have sent official copies of transfer letters for points No. 2, 3, 7, 9, 10, 11, and 12 to the appellant instead of informing him about such transfer in the RTI reply.
2. Regarding point no. 1 of the RTI application, the SPIO can furnish data on the number of refugees, their places of origin, locations of relief camps, etc. This is not sensitive information and Section 8(1)(g) cannot be invoked for denial of a request in this case.
3. The denial of information under the Right to Information (RTI) Act, 2005 goes against the very spirit and objective of the legislation, which is to promote transparency, accountability, and participatory governance. The Act was enacted to empower citizens to access information held by public authorities, thereby reducing corruption and enhancing trust in government institutions. When information is unjustly withheld or delayed, it undermines citizens' right to know, creates barriers to democratic participation, and weakens mechanisms of public accountability. Such denials defeat the fundamental purpose of the RTI Act, which seeks to make government functioning open, responsible, and answerable to the people. The SPIO should have clearly stated the reasons why the information sought was denied under Section 8(1)(g) of the RTI Act rather than simply informing the appellant that the information was denied under the aforementioned Section.
4. For every First Appeal received, the DAA, being vested with quasi-judicial powers, should hear both the parties viz appellant and respondent. The DAA shall, in every case

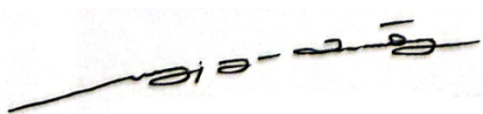
inform the date of hearing at least seven (7) clear days before the date fixed as per Rule 7(5)(a) of the Mizoram RTI Rules, 2010. Order of the DAA shall be pronounced in open court and be in writing, duly authenticated by the DAA, for this purpose. Pu Vanlalmawia, DAA & Secretary, Home Department is informed to strictly adhere to the relevant provisions of the RTI Act/Rules for every First Appeal received by him in future.

5. As per DoPT O.M. No. 1/18/2011-IR dt. 16.09.2011, *'only such information can be supplied under the Act which already exists and is held by the public authority or held under the control of the public authority. The SPIO is not supposed to create information or interpret information or to solve the problems raised by the applicants or to furnish replies to hypothetical questions'*. The RTI Act provides access to all information that is available and existing, and **the appellant is informed that not every query raised in his RTI application qualifies as a request for "information" within the meaning of Section 2(f) of the RTI Act.**

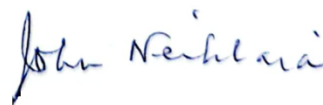
DECISION:

In view of the above, the Commission hereby directs that **Pu P.C. Lalduhthlanga, SPIO & Joint Secretary, Home Department shall provide whatever information is available in their office w.e.f. 1st January, 2022 to 30th June, 2025 for point no. 1 of the RTI application to the appellant, free of cost, not later than 19.11.2025 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

Decision No. S.A. 270/2025-MIC

Dated Aizawl, the 4th November, 2025

Copy to: -

1. David Lalrinchhana, Luangmual, Aizawl, Ph: 9774441940.
2. P.C. Lalduhthanga, SPIO & Joint Secretary, Home Department, Ph: 9436363163.
3. Vanlalmawia, DAA & Secretary, Home Department, Ph: 9436192259



(LILY)

Secretary

Mizoram Information Commission

Mizoram: Aizawl