

Case No. S.A. 276/2025-MIC

*Karuna Dev Chakma,
Bajeisora, Lawngtlai, CADC.*

...Appellant

Vs

*1. David Lalrinawma,
SPIO & Addl. Deputy Commissioner,
Deputy Commissioner's Office, Lawngtlai.*

...Respondents

*2. Donny Lalruatsanga,
DAA & Deputy Commissioner,
Deputy Commissioner's Office, Lawngtlai.*

RTI application filed on	:	07.08.2025
SPIO replied on	:	08.09.2025
First Appeal filed on	:	16.09.2025
DAA issued order/replied on	:	NIL
Second Appeal received on	:	23.10.2025

Date & Time of hearing	:	18.11.2025 at 02:00 PM.
Date of decision	:	18.11.2025

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. *Whether Magisterial Inquiry was conducted on the death of Shri. Agosh Chakma, who was shot dead in police firing at the premises of Chawngte Police Station on 4th August, 2015, in protest against illegal appointments made by the Chakma Autonomous District Council Authority.*
- ii. *If Yes, Kindly Provide the certified copy of the details inquiry report of the investigation including all findings, conclusions and recommendations made.*

- iii. *If No, please explain why the Magisterial Inquiry was not Conducted.*
 - iv. *Whether After the Inquiry, the report was submitted to the competent authority for justification/for further steps.*
 - v. *If Yes, What Justification was given in the death of Shri Agosh Chakma.*
 - vi. *If. No, Explain Why the report was not submitted to the competent authority for justification/further process.*
2. The appellant received a reply to his RTI application in PDF. However, the information provided by the SPIO was not to the satisfaction of the appellant as he preferred First Appeal stating, ***“The information provided are incomplete and some documents provided are illegible. Please take necessary action in providing the documents at the earliest”***. As the DAA remained silent on the matter, Second Appeal has been preferred. Summons were issued to the appellant and respondents to appear before the Commission on 18.11.2025 (Tuesday) at 02:00 PM.
 3. Hearing was held in hybrid mode wherein the appellant and the two respondents attended via Video Conferencing. The former DAA, Pu Cheemala Siva Gopal Reddy informed the Commission that although he is displayed as the recipient of the First Appeal, he had already relinquished charge of the Deputy Commissioner, Lawngtlai during this period and is unaware of the case. He then requested the Commission to exempt him from the hearing as he will be out of station.
 4. The appellant narrated his grievances and stated that the reply furnished by the SPIO was incomplete and the first 10 pages of the information received was blank. He also stated that the post-mortem report pages were unreadable, FIR copy was not included and video clips of Annexure 41 & 42 were missing. He also stated that information furnished on the 6 points sought were not answered specifically. He then requested this Commission to help him get the required information.
 5. The DAA informed the Commission that they are not the custodian of the information sought and the information provided was collected from the office of the SDO(C), Chawngte. He also stated that due to the absence of a proper record room in their office, maintenance and preservation of old files and documents could not be ensured and no additional information may be available to be furnished at present.

OBSERVATIONS:

1. On careful perusal of the case, the Commission observes that the SPIO did not furnish the information within the stipulated period. 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"*. The Commission takes a serious view of this matter and the SPIO is cautioned in this regard.

2. In the matter of the respondent informing the Commission that the information sought was not in their custody, 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. Instead of collecting the information from the SDO(C), Chawngte, the SPIO should have transferred the application to the concerned public authority. Such an incident should not be repeated in future.
3. The Commission considers the appellant's grievance as genuine as the PDF provided by the SPIO is indeed illegible, corrupted and cannot be reproduced in hardcopy i.e., it cannot be printed out. Information should be provided clearly and legibly under the RTI Act, or else it will be treated as non-compliance and denial of the appellant's right to information would amount to denial of information which can be dealt with as per Section 20 of the RTI Act, 2005. Even if the information is to be re-created in softcopy, it is the duty of the SPIO to ensure that each page of the softcopy could clearly be scrutinized. Pu David Lalrinawma is advised to be more careful in dealing with RTI cases going forward.
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 has not nominated any officer as Records Officer in respect of DC's Office, Lawngtlai District, Pu Donny Lalruatsanga, the Administrative Head, is deemed to be the Records Officer.
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. If these files are part of public record and forms evidence in any case, its destruction would be serious crime of destruction of evidence. Otherwise also it brings in the liability under Mizoram Public Records Act, 2011 (as amended in 2024) which can extend to imprisonment up to five years and fine of up to Rs. 10,000/-. Reading Right to Information Act, 2005 with the Mizoram Public Records Act, 2011, will lead to serious consequences for those who lose the records, besides the disciplinary action from the concerned authority. 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.
7. The Commission is of the view that DC's Office, Lawngtlai should maintain a proper record room. Proper record maintenance plays a vital role in ensuring the effective dissemination of information under the Right to Information (RTI) Act. When records are systematically organized, updated, and easily retrievable, public authorities can respond to information requests promptly and accurately. Well-maintained records prevent delays, reduce the risk of incomplete or erroneous disclosures, and promote transparency and accountability in government functioning. It also strengthens public trust, as citizens gain timely access to authentic information. Moreover, efficient record management facilitates proactive disclosure of information, minimizing the volume of RTI applications and improving administrative efficiency.
8. 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.

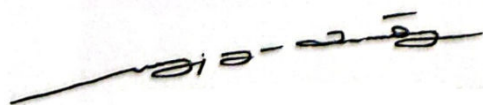
9. For every First Appeal received, the DAA, being vested with quasi-judicial powers, should hear both the parties viz appellant and respondent. The DAA shall, in every case inform the date of hearing at least seven (7) clear days before the date fixed as per Rule 7(5)(a) of the Mizoram RTI Rules, 2010. Order of the DAA shall be pronounced in open court and be in writing duly authenticated by the DAA for this purpose.

Pu Donny Lalruatsanga, DAA & Deputy Commissioner, Lawngtlai District is informed to strictly adhere to the relevant provisions of the RTI Act/Rules for every First Appeal received by him in future.

DECISION:

The Commission hereby directs that **Pu David Lalrinawma, SPIO & Addl. Deputy Commissioner, Deputy Commissioner’s Office, Lawngtlai** shall provide certified copies of the information available, in consultation with the SDO(C), Chawngte, free of cost not later than 02.12.2025 (Tuesday) with compliance report to MIC with all the enclosures. If some of the records are not in a proper state to be given, the appellant should be allowed to inspect the same.

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. 276/2025-MIC

Dated Aizawl, the 18th November, 2025

Copy to: -

1. Karuna Dev Chakma, Bajeisora, District Lawngtlai, Chakma Autonomous District Council, Mizoram, Ph: 9362221407.
2. David Lalrinawma, SPIO & Addl. Deputy Commissioner, DC's Office, Lawngtlai, Ph: 8416075016.
3. Donny Lalruatsanga, DAA & Deputy Commissioner, DC's Office, Lawngtlai, Ph: 9612638126.



(LILY)

Secretary

Mizoram Information Commission

Mizoram: Aizawl