

MIZORAM INFORMATION COMMISSION

(Under the RTI Act, 2005)

MINECO, KHATLA, AIZAWL

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Case No. S.A. 290/2026-MIC

*David V.L. Muanpuia Hlawndo,
Ramthar North, Aizawl.*

...Appellant

Vs

*1. F. Zohmingthanga,
SPIO & Joint Commissioner of State Tax,
Commissionerate of State Tax.*

...Respondents

*2. F.C. Liannghinga,
SAPIO & Deputy Commissioner of State Tax,
Commissionerate of State Tax.*

RTI application filed on	:	23.11.2025
SPIO replied on	:	26.11.2025
First Appeal filed on	:	27.11.2025
SAPIO replied on	:	09.12.2025
Second Appeal received on	:	16.12.2025

Date & Time of hearing	:	28.01.2026 at 02:00 PM.
Date of decision	:	28.01.2026

Pu John Neihlaia, Chief Information Commissioner presided over the hearing.

FACTS OF THE CASE:

1. The appellant filed an application before the respondent State Public Information Officer (SPIO), seeking information on the following: -
 - i. *Memorandum of Association and By-laws of Aizawl North Development Society*
 - ii. *List of Registered Societies in Mizoram*
2. The SPIO furnished information for point No. 2 of the application but **denied point No. 1 citing third-party information exemption under Section 11** of the RTI Act, 2005. The appellant preferred First Appeal stating that as per Section 30 of the Mizoram Societies Registration Act, 2005 the information requested are documents that are filed with the Registrar, and accessible to any person for inspection and copying and that the refusal under Section 11 of the RTI Act is not applicable.

3. Following this, the appellant was sent a letter by the SAPIO & Deputy Commissioner of State Tax wherein the decision of the SPIO was upheld as follows: -

“Kan chhanna hmasaa tarlan tawh ang khan Third Party phalna lo chuan pekchhuah theih a nilo a. RTI Act, 2005, Section 11 tlawhchhana kan chhanna hi a valid lohna a awmlo a ni.

He case hi RTI Act, 2005 dan hnuaia ngaihtuah anih avangin The Mizoram Societies Registration Act, 2005 Section 30 i rawn sawi hnuaiah hian ngaihtuah theih a nilo a ni tih ka han hriattir a che”.

4. Second Appeal was preferred to MIC. Summons were issued to the appellant and respondents to appear before the Commission. As scheduled, hearing was held wherein both the appellant and the respondents appeared in person; the appellant was accompanied by Pi Lalchamzuali.
5. The appellant stated that his query at point no. (ii) was replied to after about three days; however, he expressed before the Commission his dissatisfaction regarding the non-furnishing of information at point no. (i) and requested the Commission to take necessary steps to ensure that he receives the information.
6. The SPIO stated that since the information sought by the appellant falls under third-party information under the RTI Act, it cannot be disclosed. However, he added that if the information is sought under the Mizoram Societies Registration Act, there would be no reason to deny it.

OBSERVATIONS: -

1. Section 30 of the Mizoram Societies Registration Act, 2005 may be seen as under:

“Inspection of documents and supply of certified copies thereof

Any person may inspect any document filed with the Registrar under this Act on payment of a fee of five rupees for every inspection, and any person may obtain a copy of extract of any document or part thereof certified by the Registrar on payment of such fee as may be prescribed. Such certified copy shall be admissible as evidence of the matters therein contained in all legal proceedings.”

The Mizoram Societies Registration Act, 2005 mandates societies to file annual returns, lists of office-bearers, reports, balance sheets, and audits with the Registrar, who can demand further explanations. It allows public inspection of filed documents and certified copies for a fee under Section 30 as reproduced above, **a public authority cannot use the RTI Act, 2005 to deny information that is already legally disclosable under the Mizoram Societies Registration Act, 2005.** In fact, the legal relationship between these two Acts is designed to ensure maximum transparency, not to create barriers. If the Mizoram Societies Registration Act says certain information is "public," the RTI Act cannot be used to suddenly make it "private". A public authority attempting to use the RTI Act to deny information that is otherwise open to the public under the Mizoram Societies Registration Act is misapplying the law.

2. The Commission notes with concern that the letter issued to the appellant in the First Appeal proceedings was signed by the State Assistant Public Information Officer (SAPIO). Under the provisions of the RTI Act, the SAPIO has a limited and facilitative role, primarily confined to receiving RTI applications and forwarding them to the appropriate SPIO or appellate authority. **The SAPIO is neither vested with the powers of the SPIO nor authorized to act on behalf of the Departmental/First Appellate Authority (DAA/FAA).** Consequently, the SAPIO acting as the signatory in a First Appeal matter amounts to a clear procedural irregularity and reflects a lack of understanding of the statutory framework of the RTI Act. Such action undermines the independence and authority of the DAA/FAA and renders the communication legally untenable. Pu F.C. Liannghinga is informed to be mindful of his duties as an SAPIO in future.
3. Further, the Commission finds it unacceptable that the First Appeal was disposed of by the Commissionerate of State Tax by merely sending a letter to the appellant to inform him that the information sought cannot be disclosed since the DAA/FAA is required to pass a reasoned and enforceable order in writing. By failing to do so, the DAA/FAA not only abdicated its appellate role under the RTI Act but also undermined the accountability mechanism envisaged under the law, thereby causing avoidable uncertainty and prejudice to the appellant.

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 David Lalchhuanawma, DAA & Additional Commissioner of State Tax, Commissionerate of State Tax is informed to strictly adhere to the relevant provisions of the RTI Act/Rules for every First Appeal received by him in future.

DECISION: -

In view of the above circumstances, **the Commission hereby directs Pu F. Zohmingthanga, SPIO & Joint Commissioner of State Tax, Commissionerate of State Tax to provide the information sought to the appellant, free of cost, not later than 06.02.2026 (Friday) with compliance report to the Commission along with all the enclosures.**

The appeal is hereby disposed of accordingly. Copies of decision to be given to all the parties.



(JOHN NEIHLAIA)

Chief Information Commissioner
Mizoram Information Commission

Decision No. S.A. 290/2026-MIC

Dated Aizawl, the 29th January 2026

Copy to: -

1. David V.L. Muanpuia Hlawndo, RN-2, Ramthar North, Aizawl, Mizoram-796001, Ph: 8731099740.
2. F. Zohmingthanga, SPIO & Joint Commissioner of State Tax, Commissionerate of State Tax, Ph: 9436143025.
3. F.C. Liannghinga, SAPIO & Deputy Commissioner of State Tax, Commissionerate of State Tax, Ph: 9436156117.
4. David Lalchhuanawma, DAA & Additional Commissioner of State Tax, Commissionerate of State Tax, Ph: 9436153046.



(LILY)

Secretary

Mizoram Information Commission

Mizoram: Aizawl