

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. 173/2026-MIC

*J. Malsawmzuala Vanchhawng,
Zemabawk, Aizawl*

...Complainant

Vs

*1. Dr. Lalchhuanawma,
former SPIO & Dy. Chief Executive Officer,
Mizoram State Health Care Society.*

...Respondent(s)

*2. Dr. K. Lalnghinglova,
present SPIO & Chief Finance Officer,
Mizoram State Health Care Society.*

*3. Dr. Lalhriatzuali Ralte,
FAA & Chief Executive Officer,
Mizoram State Health Care Society.*

RTI application filed on	:	01.11.2025
SPIO replied on	:	22.12.2025
First Appeal preferred on	:	NIL
Complaint filed on	:	10.03.2026

Date & Time of hearing	:	09.04.2026 at 01:00 PM.
Date of decision	:	09.04.2026

Pu John Neihlaia, State Chief Information Commissioner presided over the hearing. Pu Mangjangam Touthang, State Information Commissioner and Dr. Lalzirmawia Chhangte, State Information Commissioner were present and participated in the hearing.

The appellant and the respondents took an oath before commencement of the hearing.

FACTS OF THE CASE:

1. The complainant sought information on the following points: -

- i. Mizoram State Health Care Society leh Synod Hospital, Durtlang, Aizawl ten MUHCS kalpuina tura inremna tura an ziah copy, detail pricing nen ka rawn dil e?*
- ii. Ka dilna hi min pek theih loh chuan, pek theih ka nih loh chhan, Dan tlawhchhan emaw, Notification/Order copy emaw ka rawn dil tel bawk e.*

2. The SPIO failed to provide information within the stipulated period of 30 days. However, after being contacted by the complainant several times, the SPIO furnished a reply as follows: -

i. **Mizoram State Health Care Society leh Synod Hospital, Durtlang, Aizawl ten MUHCS kalpuina tura inremna tura an ziah copy, detail pricing nen ka rawn dil e?**

MSHCS leh Synod Hospital Durtlang ten MoA an sign na ah hian Confidentiality clause – First party leh Second party ten ziaka remtihna an dah dun a nih loh chuan agreement ah hian rate pawh tel a ni) hi third party hnenah pekchhuah theih a ni lo ang tia dah a ni.

ii. **Ka dilna hi min pek theih loh chuan, pek theih ka nih loh chhan, Dan tlawhchhan emaw, Notification/Order copy emaw ka rawn dil tel bawk e.**

Zawhna 1-na chhanna a tarlan tawh ang khi a ni a, a hranpaa Notification/order chhuah a awm lo.

3. Not satisfied with the information received from the SPIO, the complainant attempted to prefer First Appeal via the RTI Online; however, the FAA was not registered and thus, he submitted a complaint directly to MIC instead.
4. Summons were issued to the complainant and respondents to appear before the Commission on 09.04.2026 (Thursday) at 02:00 PM. As scheduled, hearing was held where the complainant and the former SPIO and present SPIO attended the hearing in person. The FAA, however, submitted a letter stating that she is currently on leave and could not attend the hearing.
5. The complainant informed the Commission that he waited for the FAA to register on the RTI Online portal, assuming there might be a technical issue. However, after a long period of time without any registration, the complaint was filed. He stated that the RTI Act is a special act, as clearly stated in Section 22, which gives it overriding effect over all other laws and that the "confidentiality clause" cited by the Mizoram State Health Care Society (MSHCS) is not a law and cannot override the RTI Act. Furthermore, he stated that a public authority should not sign any agreement that lacks transparency and regarding the MUHCS, since public funds are being utilized, it is a matter of public interest. Even if the MSHCS attempts to use Section 8(1)(d) as an excuse to withhold information, the larger public interest outweighs such concerns.
6. In reply, Dr. K. Lalnghinglova, SPIO informed the Commission that he had only recently been appointed as the SPIO, and because he perceived the information requested by the complainant to be third-party information, they first consulted with the Synod office. He then apologized for failing to inform the complainant regarding the reasons for the delay in providing the response. He also stated that non-disclosure of negotiated rates is in the public interest.

OBSERVATIONS:

1. (a) In the case of *Jamia Milia Islamia vs Sh Ikramuddin* (WP(C) No. 5677/2011 of Delhi High Court), it was held by the Court that *"the act of entering into an agreement with any other person/entity by a public authority would be a public activity, and as it would involve giving or taking of consideration, which would entail involvement of public funds, the agreement would also involve public interest. Every citizen is entitled to know on what terms the Agreement/settlement has been reached by the petitioner public authority with any other entity or individual."* Similarly, a division bench of the Jharkhand High Court in *State of Jharkhand vs. Navin Kumar Singha* (AIR 2008 Jharkhand 19) had held that *"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 it will show the transparency in activities of the Government...in our considered opinion a contract entered into by the public authority with a private person cannot be treated as confidential after completion of contract."*

(b) In *Reserve Bank of India vs. Jayantilal N. Mistry* (2015), the Supreme Court emphasized that the "fiduciary relationship" or "commercial confidence" exemptions under Section 8(1)(d) and (e) cannot be used to shield information that serves a larger public interest. Since an MoA outlines the objectives and governance of a body—especially those funded or controlled by the state—it is usually considered a public document. Further, it has been learned that the primary source of funding are contributions from serving government employees, pensioners, enrolment fees from the general public, budget allocated by Finance Department, Govt of Mizoram and Rs. 20 crores received from Government of India for Golden Card holders. Therefore, the functioning of MSHCS does involve the use of public resources.

2. The proviso under Section 8(1)(j) lays down that, *"Provided that the information which cannot be denied to the Parliament or a State Legislature shall not be denied to any person."* and as per Section 8(2) of the Act, *"Notwithstanding anything in the Official Secrets Act, 1923 nor any of the exemptions permissible in accordance with sub-section (1), a public authority may allow access to information, if public interest in disclosure outweighs the harm of the protected interests."* Since the MUHCS (Mizoram Universal Health Care Scheme) is intended for the general public and utilizes public funds, it is expected that the MoA (Memorandum of Agreement) signed between the MSHCS and Synod Hospital, as well as the operational procedures of the scheme, be made public and uploaded to their website, rather than being withheld under the pretext of a confidentiality clause.
3. Under Section 7(1) of the RTI Act, the SPIO is mandated to provide a response as expeditiously as possible, and strictly within thirty days of receiving a request. Pursuant to Section 7(2), failure to communicate a decision within this timeframe constitutes a 'deemed refusal' of the application. The SPIO's current inaction represents a grave statutory violation; such non-responsiveness is viewed as a deliberate denial of information and may invite penalties under Section 20 of the RTI Act, 2005. In this case, a reply was furnished

after a lapse of 50 days which is in contravention of the provisions of the Act. **The SPIO is hereby cautioned to ensure that such procedural lapses do not recur in the future.**

4. In accordance with the quasi-judicial powers vested in the First Appellate Authority (FAA), it is mandatory to conduct a formal hearing for both the appellant and the respondent for every appeal received. Adhering to Rule 7(5)(a) of the Mizoram RTI Rules, 2010, the FAA must provide a minimum of seven (7) clear days' notice prior to the scheduled hearing date. Furthermore, all decisions must be pronounced in open court and issued as a written, authenticated order. **Dr. Lalhriatzuali Ralte, FAA & CEO of the Mizoram State Health Care Society, is hereby directed to strictly comply with these statutory provisions for all future proceedings.**
5. Public authorities should give due importance to every Right to Information (RTI) application as it reflects and promotes the principles of transparency and accountability in governance. Each request represents a citizen's legitimate effort to seek information concerning public affairs, and therefore must be handled with seriousness, fairness and within the prescribed time frame. Proper attention to RTI matters not only upholds the integrity of the institution but also strengthens public trust and participation in the democratic process.

DECISION:

In view of the circumstances, **the Commission hereby directs that Dr. K. Lalnghinglova, SPIO & Chief Finance Officer, Mizoram State Health Care Society shall provide the information sought to the complainant, free of cost, not later than 17.04.2026 (Friday).** Compliance report with all the documents provided should also be sent to the Commission for information.

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



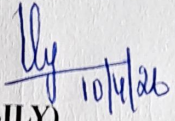
John Neihlaia
(JOHN NEIHLAIA)

State Chief Information Commissioner
Mizoram Information Commission

Decision No. C. 173/2026-MIC
Copy to: -

Dated Aizawl, the 10th April, 2026

1. J. Malsawmzuala Vanchhawng, VK-71, Galilee Veng, Zemabawk, Aizawl, Ph: 9862925119
2. Dr. Lalhuanawma, Former SPIO & Dy. CEO, Mizoram State Health Care Society, Ph:9862787705.
3. Dr. K. Lalinghlova, SPIO & Chief Finance Officer, Mizoram State Health Care Society, Ph:8575051577.
4. Dr. Lalhriatzuali Ralte, DAA& CEO, Mizoram State Health Care Society.



(LILY)

Secretary

Mizoram Information Commission
Mizoram: Aizawl