



## MIZORAM INFORMATION COMMISSION

*(Under the RTI Act, 2005)*

**MINECO, KHATLA, AIZAWL**

**Landline:** 0389-2334833 / **Email:** mic.mizoram@gmail.com / **Website:** mic.mizoram.gov.in

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**Case No. S.A. 350/2026-MIC**

*K. Zohmingthanga,  
Sihphir.*

*...Appellant*

*Vs*

*1. Rebecca Chawngthanpuii,  
SPIO & Deputy Secretary,  
Finance Department.*

*...Respondents*

*2. Lalhmingmawia Sailo,  
FAA & Addl Secretary,  
Finance Department.*

|                             |   |            |
|-----------------------------|---|------------|
| RTI application filed on    | : | 06.03.2026 |
| SPIO replied on             | : | 25.03.2026 |
| First Appeal filed on       | : | 27.03.2026 |
| FAA issued order/replied on | : | NIL        |
| Second Appeal received on   | : | 30.04.2026 |

|                        |   |                         |
|------------------------|---|-------------------------|
| Date & Time of hearing | : | 20.05.2026 at 01:00 PM. |
| Date of decision       | : | 20.05.2026              |

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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 appellant seeks information on the following: -

- i. Compassionate hi nangmah ni chan a ni ka lo hria a,a dik em.*
- ii. A dik a nih chuan compassionate hi lak leh tum na a awm em.*
- iii. A awm a nih chuan engtikah nge lak leh tum a nih.*
- iv. A awm lo a nih chuan enge a chhan.*

- v. *Lak tawh loh an tih chhan kha sawrkar in year of consolidation vang khan a tia, mahse he year of consolidation hi nikum assemblyah khan kan CM in a tawp tawh tih thu a sawi a, a tawp tawh a tih chuan ti nge tum thleng a lak a la nih loh chhan.*
  - vi. *Compassionate hi kan khawih/la tawh ngai lo in tia, in khawih/lak tawh ngai loh chuan tinge departmentah te hian dil na a la luh reng chhan.*
  - vii. *Heta compassionate a lo inghat chhungkua tam tak hi an awm a, hei hi in khawih tawh loh a in lak tawh loh chuan official a puan chhuah tum na a awm em.*
  - viii. *A awm loh chuan a chhan min hrilh thei ngem.*
  - ix. *Karawn zawh na thlurbingna ber chu Electric Departmentah a ni a, he mi department ah hian hna thawk an in daih lo em em a, compassionate tam tak dil an awm a, hei hi lak mai theih a nih loh chhan hi min hrilh thei bawk angem.*
2. Upon receiving the response from the SPIO, the appellant found the provided reply to be unsatisfactory, prompting him to file First Appeal. However, the FAA remained silent and Second Appeal was then preferred. Summons were issued to the appellant and respondents to appear before the Commission and as scheduled, hearing was held wherein all the concerned parties were present in person.

#### **OBSERVATIONS: -**

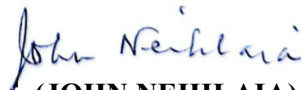
1. Section 2(f) of the RTI Act, 2005 provides, “*information means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, report, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force.*” In the Supreme Court decision in 2011 (8) SCC 497 in the case of CBSE Vs. Aditya Bandopadhyay, it is held that “*It is also not required to provide ‘advice’ or ‘opinion’ to an applicant, nor required to obtain and furnish any ‘opinion’ or ‘advice’ to an applicant. The reference to ‘opinion’ or ‘advice’ in the definition of ‘information’ in section 2(f) of the Act, only refers to such material available in the records of the public authority. Many public authorities have, as a public relation exercise, provide advice, guidance and opinion to the citizens. But that is purely voluntary and should not be confused with any obligation under the RTI Act*”. Here, the appellant in his query has sought information regarding the future intent and policy trajectory of the Public Authority concerning compassionate appointments. It is a settled principle of law, as upheld by the Hon’ble Supreme Court of India in the aforementioned case, that the RTI Act does not cast an obligation upon the Public Authority to provide answers to hypothetical questions, offer opinions, or justify future policy choices. The role of the SPIO is strictly limited to the dissemination of information as it exists in material form within the records of the department. Since the appellant’s query demands a prediction of future administrative intent rather than access to an existing record, the SPIO’s response denying the information under the ambit of Section 2(f) is legally sound and is hereby upheld.
2. Under the RTI Act, the First Appellate Authority (FAA) must function as a robust quasi-judicial arbiter rather than a mere administrative extension of the SPIO. Transitioning from

a culture of written replies to a mandate of formal hearings is essential to satisfy the principles of natural justice; it ensures that the appellant's grievances are not just received, but actively heard. When an FAA bypasses the hearing process, they risk reducing the appellate stage to a bureaucratic formality that serves only to shield departmental lapses. By conducting a hearing, the FAA creates a transparent forum where the legality of a denial is tested and the SPIO is held to a higher standard of justification. Ultimately, a reasoned "speaking order" born of a hearing transforms the FAA into a proactive guardian of transparency, resolving disputes at the source and preserving the integrity of the democratic right to information. The FAA & Additional Secretary is informed to strictly adhere to the relevant provisions of the RTI Act/Rules for every First Appeal received by him in future.

**DECISION: -**

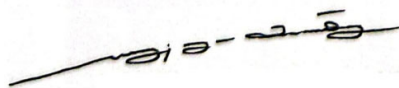
In view of the circumstances and the submission made by both the parties, **no further intervention of the Commission is warranted in this matter.**

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



(JOHN NEIHLAIA)

**State Chief Information Commissioner**  
Mizoram Information Commission



**(MANGJANGAM TOUTHANG)**  
State Information Commissioner  
Mizoram Information Commission



**(DR. LALZIRMAWIA CHHANGTE)**  
State Information Commissioner  
Mizoram Information Commission

**Memo No. S.A. 350/2026-MIC**

**Dated Aizawl, the 20<sup>th</sup> May, 2026**

Copy to: -

1. K. Zohmingthanga, Sihphir, Ph: 8197850956.
2. Rebecca Chawngthanpuii, SPIO & Deputy Secretary, Finance Department, Ph: 9862381168.
3. Lalhmingmawia Sailo, FAA & Addl. Secretary, Finance Department, Ph: 9436156549.



(LINA)

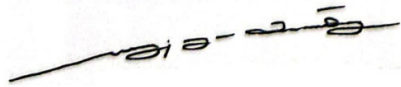
**Secretary**

Mizoram Information Commission  
Mizoram: Aizawl



**(JOHN NEIHLAIA)**

**State Chief Information Commissioner**  
Mizoram Information Commission



**(MANGJANGAM TOUTHANG)**  
**State Information Commissioner**  
**Mizoram Information Commission**



**(DR. LALZIRMAWIA CHHANGTE)**  
**State Information Commissioner**  
**Mizoram Information Commission**

**Decision No. S.A. 348/2026-MIC**

**Dated Aizawl, the 20<sup>th</sup> May, 2026**

Copy to: -

1. Moses Lalvenhima, College Veng, Lawngtlai, Ph: 9612800331.
2. Chingthanmawi Guite, SPIO & Adviser-cum-Joint Secretary, Planning & Programme Implementation Department (RDB), Ph: 9436353075.
3. Dr. Lalrinchhana, FAA & Principal Adviser-cum-Addl. Secretary, Planning & Programme Implementation Department (RDB), Ph: 9436140323.



**(LIPY)**

**Secretary**

**Mizoram Information Commission**  
**Mizoram: Aizawl**