

MIZORAM INFORMATION COMMISSION
(Under the RTI Act, 2005)
MINECO, KHATLA, AIZAWL

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Case No. C. 173/2026-MIC

J. Malsawmzuala Vanchhawng,

Zemabawk, Aizawl

...Complainant/Appellant

Vs

1. *Dr. K. Lalnghinglova,*

SPIO & Chief Finance Officer,

Mizoram State Health Care Society.

2. (i) *Dr. Lalhriatzuali Ralte appeared on 02.09.2026*

FAA & Chief Executive Officer,

Mizoram State Health Care Society.

(ii) *Dr. C. Vanlalremsiama appeared on 14.09.2026,*

FAA & Deputy Chief Executive Officer,

Mizoram State Health Care Society.

3. *Dr. RL Sanghluna (Third Party)*

Director, Synod Hospital, Durtlang.

4. *Rev. Dr. K. Lallawmzuala (Third Party)*

Executive Secretary i/c Synod Hospital

Mizoram Synod.

...Respondent(s)

Before Mizoram Information Commission

Presided over by Mr. John Neihlaia, Chief Information Commissioner

Dates of hearing : 02.09.2026 & 14.09.2026

Date of Order : 16.09.2026

ORDER

1. The Complainant/Appellant had initially filed an RTI application seeking some information relating to the agreement signed between the MSHCS (Mizoram State Health Care Society) and Synod Hospital, Durtlang, Aizawl, along with detail pricing. In the said application, it was stated that if the information could not be furnished, he may be informed about the grounds for such refusal by stating the provision of law for such refusal or give a copy of any notification or order refusing the same.

2. Thereafter, the SPIO failed to provide the information within the stipulated period of 30 days. However, after being contacted by the Complainant/Appellant on several occasions, the SPIO had furnished a reply stating that the agreement between MSHCS and Synod Hospital contains a confidentiality clause saying that unless a representation of consent is mutually signed by the first party and the second party, the agreement (including the rates agreed upon) shall not be disclosed to any third party. Having not been satisfied with the information received from the SPIO, the Complainant/Appellant attempted to prefer a First Appeal via RTI Online, but the said appeal was not registered and thus, the Complainant/Appellant had filed a complaint directly to the Mizoram Information Commission (MIC) on 10.3.2026.

3. Thereafter, the MIC had issued notice of hearing on 23.3.2026 and also issued summons to the Respondents No.1 & 2(i) to appear before the Commission on 9.4.2026 at 2:00pm and accordingly, hearing was conducted in the presence of the Complainant/Appellant and the former SPIO Pu Lalchhuanawma, Deputy Chief Executive Officer and present SPIO Dr. K. Lalnghinglova, Chief Finance Officer in person. Thereafter, an Order dt. 9.4.2026 was passed by which the Commission had directed that Dr. K. Lalnghinglova, SPIO & Chief Finance Officer, Mizoram State Health Care Society shall provide the information sought to the Complainant/Appellant, free of cost, not later than 17.4.2026 and that compliance report with all the documents provided should also be sent to the Commission for information.

4. The case of the Complainant/Appellant was that he had waited for the First Appeal to register on the RTI Online Portal, but since no registration was made of the First Appeal, the Complaint was directly filed before the MIC u/s 18 of the RTI Act, 2005. However, the said complaint has been entertained as a second appeal u/s 19(3) thereof. On 2.4.2026, the Respondent No. 1 had filed a Written Submission on behalf of the MSHCS before the Secretary of MIC, Aizawl in which it was stated that the MoA (Memorandum of Agreement) was signed between the MSHCS and Synod Hospital, Durtlang, Aizawl inserting a 'confidentiality clause' under clause no. 14 of the MoA which is quoted herein below:

“Each party shall maintain confidentiality relating to all matters and issues dealt with by the parties in the course of the business contemplated by and relating to this agreement. Both parties shall not disclose to any third party, any information relating to this agreement and documents marked confidential, medical reports, personal information relating to beneficiary, and other unpublished information except unless mutually agreed upon by both the parties in writing, and shall use its best efforts to ensure that its officers, employees, keep secret all information disclosed.”

5. The MSHCS had earlier sought permission from the Mizoram Synod, for which the Mizoram Synod duly replied stating that they stand with the non-disclosure of the MoA vide letter dt.13.2.2026. On the other hand, the Complainant had submitted that disclosure of the MoA between the MSHCS and Synod Hospital to the public is in public interest in as much as a huge amount of public fund is involved in the deal between the two parties and that the public in general have the right to know of how the deal was made between the agreeing parties and that the confidentiality clause in the MoA cannot be said to be exempted under section 8(1) of the RTI Act, 2005 and the same cannot stand in the face of section 22 of the said Act. Thereafter, the Order dt. 9.4.2026 was passed directing the SPIO & Chief Finance Officer, MSHCS as stated above to provide the information sought to the Complainant/Appellant free of cost not later than 17.4.2026.

6. Being dissatisfied, the Respondents had filed WP(C) 40/2026 before the Hon'ble Gauhati High Court, Aizawl Bench impleading the State Information Commission, Mizoram, represented by its Secretary, New Capital Complex, Khatla,

Aizawl, Chief Information Commissioner Mizoram, New Capital Complex, Khatla Aizawl and Mr. J. Malsawmzuala Vanchhawng R/o VK-71, Galilee Veng, Zemabawk, Aizawl, Mizoram as Respondent Nos. 1, 2 & 3. While disposing of the said writ petition vide Judgement & Order (CAV) dt. 17.8.2026, the Hon'ble High Court had framed four issues such as:

- i) Whether, the information sought by the Respondent No.3 is third party information;*
- ii) Whether, impugned Order is illegal or arbitrary for being passed without compliance of the provision of section 11 as well as section 19(4) of the RTI Act.*
- iii) Whether, the petitioner herein is protected u/s 8(1)(d), 8(1)(e), 10 & 11 of the RTI Act.*
- iv) Whether, by not providing any right of appeal in the impugned Order, the Petitioner herein suffers prejudice.*

The Hon'ble High Court, after thorough discussion of the case of both the parties had come to a finding in favour of the writ petitioners in respect of the issues no. i, ii & iv, while issue no. iii was decided in favour of the Respondents therein as follows:

“Notably, in the instant case, the MoA was signed between the MSHCS and Synod Hospital. It also appears that the agreement between MSHCS and Synod Hospital involves public funds and a government scheme for treatment of citizens. This creates a strong presumption of public interest in transparency. And that being so, mere commercial sensitivity, as claimed by the petitioner herein, and also the fiduciary relation between the parties, does not automatically bar disclosure. The respondent No.1 and 2, appears to have rightly held that the public-interest override the proviso to Section 11(1) and/or Section 8(1)(d)/(j) herein this case. And it requires no interference of this Court.”
(Para No. 27.4)

However, in view of the decisions in respect of the issues no. i, ii & iv, the matter was referred back to this Commission as follows: -

“Now the matter stands relegated to the respondent Nos. 1 & 2, to issue notice to the third party, in view of the provision of Section 11(1) of the RTI Act and thereafter, to consider the same, and to pass a fresh order, in accordance with law.” (Para 30)

7. Now, in pursuance of the directions made by the Hon’ble High Court as stated above, notice of hearing was issued to the parties (Complainant/Appellant and Respondents) vide no. C.173/2026-MIC dt.21.8.2026 fixing 2.9.2026 to be personally present and attend the hearing with a direction to file their written submission, if any, to the Commission with a copy served upon the opposite parties at least 7 days before the date of hearing. The Commission had further required the Respondents to specifically explain how and to what extent, disclosure of the information sought would prejudice or adversely affect the competitive position of the third party concerned.

8. The Respondents no. 1 & 2 had submitted their written submission while the Respondents no. 3 & 4 were personally present though no written submission was made on their behalf on the fixed date. Further, a copy of the written submission made by the Respondents no.1 & 2 not being served as directed upon the Complainant/Appellant, effective hearing could not be conducted. The Respondents no. 1 & 2 in their Written Submission had however contended that the original proceeding before the Commission was a Complaint under Section 18 and not a Second Appeal under Section 19(3), since no First Appeal under Section 19(1) was preferred. They, therefore, requested the Commission to bear this distinction in mind while determining the appropriate course of action. On the substantive issue of disclosure, they do not themselves assert a specific commercial prejudice but submit that even if the third party has no objection to disclosure, such consent does not automatically determine the matter, and the Commission should independently examine the applicability of the exemptions under Section 8, including Section 8(1)(d).

9. Though the Respondents no. 3 & 4 did not make Written Submission, Dr. R.L. Sanghluna, Respondent no. 3 had stated that Synod Hospital is a charitable hospital which is run without discrimination between the poor and the affluent. The hospital is managed in accordance with the decisions of its Committee and is not operated at the discretion of just two or three individuals. The hospital has around 500 employees whose salaries are paid by the hospital, and the rates charged by other

hospitals are not taken into consideration while fixing rates negotiated with MSHCS. As the agreement between MUHCS and Synod Hospital is to operate on a package system and since the hospital did not have any existing package rates, the rates were determined accordingly. The matter of rates is considered by the Committee on several occasions, and a decision is taken only thereafter. He then read out the terms of the agreement, particularly the confidentiality clause stating “without the consent of the other party,” and stated that the hospital wished to demonstrate its loyalty toward the confidentiality clause in this regard. He further stated that the hospital had no objection to making the agreement public and did not consider that such disclosure would cause any harm. However, the decision regarding disclosure is not within the authority of the persons present, but rests with the higher Committee whom he believes would not be against the disclosure. Therefore, the matter would have to be confirmed by the higher authorities for a decision. Dr. R.L. Sanghluna also stated that he is of the belief that even their higher authorities would not have anything further to add beyond what had already been stated by him.

10. Similarly, Pu Lalrinmuana who had represented the respondent no.4 stated that Synod Hospital is a Mission/Charitable Hospital and the agreement with MSHCS had been discussed at both the Synod Officers’ Meeting and the Synod Executive Committee, and that there had been several rounds of discussions with MSHCS. He stated that the hospital had no commercial motive in entering into the agreement. As a Mission/Charitable Hospital, they regularly take care of large number of patients’ bills who cannot pay their bills. However, due to considerable public pressure as to why MUHCS was not being followed by Synod Hospital, the matter was brought before the Officers’ Meeting, following which necessary steps were taken. The agreement was subsequently signed by the Executive Secretary. Regarding disclosure of the MoA, he mentioned that although they have nothing to hide and nothing against disclosure to the public, they wished to place the matter before the Synod Committee first since it was the authority which approved the MoA. He had also stated that he is of the belief that even their higher authorities would not have anything further to add beyond what had already been stated by him.

11. Consequently, a letter No. C.173/2026-MIC dated 02.09.2026 was sent to the Executive Secretary i/c, Synod Hospital, Mizoram Synod (Respondent No.4) requesting confirmation of the statement made by the representatives of Synod Hospital with regard to having no objection to the disclosure of the information sought; the letter was received by him on the same day. The content of the Commission's letter is reproduced hereinbelow -

“Gauhati High Court WP(C) No. 40/2026 thuchhuak angin Mizoram Information Commission chuan vawiin ni 02.09.2026 (Nilaini) hian hearing a nei a, he hearing-ah hian Synod Hospital (third party) aiawhin Dr. R.L. Sanghluna, Director, Synod Hospital leh Pu Lalrinmuana, Coordinator, Synod Hospital te an rawn inlan a ni.

2. *Hearing ah hian Synod Hospital aiawhten Mizoram State Health Care Society (MSHCS) leh Synod Hospital inkara Memorandum of Agreement (MoA) puanzar chungchangah thup tur leh remtih lohna an neih loh thu an sawi a. Tin, MoA leh detailed pricing te puanzar a nih chuan Section 8(1)(d) of the RTI Act, 2005-in a tarlan Commercial Confidence emaw, Synod Hospital Competitive Position emaw a tichhe thei em tih te pawh zawh an ni a. Synod Hospital aiawhte chuan Synod Hospital hi Mission / Charitable Hospital a nih avangin an rate te pawh private hospital dangte aiin a hniam daih zawk a, chuvangin MoA leh detailed pricing te puanzar chungchangah hian anmahni lamah chuan remtih lohna an neih loh thu an sawi a ni. Chutihruah chuan, MSHCS nena an inremnaah confidentiality clause a awm a, chu confidentiality clause chu rinawm taka zawm an duh avanga puanzar remti lo mai an nih thu pawh an sawi bawh.*

3. *MSHCS nena MoA hi Synod-a committee sang zawk pawmpuina lak hnua siam chauh a ni a. Agreement-a hmingziaktute pawh hospital hotute an nih loh avangin, Synod hotu sang zawkten an nemngheh emaw an pawm emaw a nih loh chuan, puanzar chungchangah hian anmahniin thutlukna an siam theih loh thu an sawi a ni.*

4. *Chuvangin, he hearing-a Synod Hospital aiawhten an sawi, an dinhmun leh an ngaihdan te hi ziaka rawn nemnghet turin 11.09.2026 (Zirtawpni) aia tlai lovah a hnuaia hming ziak hnena thehlut turin ka ngen a che.”*

12. Rev. Dr. K. Lallawmzuala, Executive Secretary i/c Synod Hospital, subsequently confirmed the said position vide Memo No. MS/GEN-67/2026/5 dated 04.09.2026 as follows: -

'I lehkhha (vide Case No. C.173/2026-MIC dated 2nd September, 2026) "Mizoram Information Commission hearing-a Synod Hospital aiawhte thusawi ziaka nemnghet tura hriattirna" ka lo hmu a. I lehkhha i rawn tar lan Synod Hospital aiawhte thusawi hi a dik ka tiin ka pawmpui a ni tih ka han hriattir a che.'

13. Thereafter, the complainant/appellant having been furnished a copy of the Written Submission of the Respondents, he had made his written submission in which he had, inter alia, stated that as per the Judgment & Order dt. 17.8.2026 passed by the Hon'ble High Court in WP(C) 40/2026, it was clearly settled at para 27.4 thereof that the MoA between MSHCS and Synod Hospital involves public fund and a government scheme for treatment of citizens which creates a strong presumption of public interest in transparency, and that being so, mere commercial sensitivity as claimed by the Respondents no. 1 & 2 and also the fiduciary relation between the parties does not automatically barred disclosure. Under the given circumstances, the Hon'ble High Court held that the respondent no. 1 & 2 therein had rightly held that the public interest over-ride the proviso to section 11(1) and/or section 8(1)(d)/(j) of the RTI Act, 2005 and the same requires no interference of the Hon'ble Court. Further, it was contended by the Complainant/Appellant that the Hon'ble Gauhati High Court vide its Judgment & Order (CAV) dt. 17.08.2026 under Para 4 has rightly affirmed that it was an appeal u/s 19(3) of the RTI Act, 2005. The Complainant/Appellant had also contended that the Hon'ble High Court having already adjudicated upon the issues arising out of the said proceeding, it is no longer open to the Respondents no. 1 & 2 herein to take any plea that the instant complaint should have been taken as a complaint case under section 18 and not as an appeal under section 19(3) of the RTI Act, 2005 in as much the Respondents are now expressly barred by the principle of res judicata under section 11 CPC.

14. On 14.9.2026 the Complainant/Appellant was present and the Respondents no. 1 & 2(ii) were also present and had taken oath before making their making oral submissions. The parties were heard, their submissions were recorded and their written submissions were also perused. It is pertinent to note that the present proceedings are being undertaken pursuant to the judgment and order dated 17.08.2026 passed by the Hon'ble Gauhati High Court in WP(C) No. 40 of 2026. The Hon'ble High Court, while considering the matter, specifically held that Section 19(4) of the RTI Act requires the third party to be given notice and a reasonable opportunity of being heard before disclosure of third-party information is directed, and found that the said provision had not been complied with. Consequently, the matter was relegated to the Commission with a direction to issue notice to the third party in view of Section 11(1) and thereafter consider the matter and pass a fresh order in accordance with law. The Commission has accordingly proceeded with the matter in compliance with the said judgment and direction of the Hon'ble High Court.

15. Having heard the parties and on perusal of the written submissions made by them and the letter of the Commission vide No. C.173/2026-MIC dated 02.09.2026 and the response from the respondent no. 4 vide Memo No. MS/GEN-67/2026/5 dated 04.09.2026, the Commission has come to the following findings:

A. The Respondent SPIO's submission regarding the original nomenclature or characterization of the proceeding as a Complaint under Section 18 does not alter the manner in which the present proceedings are required to be conducted pursuant to the specific directions of the Hon'ble High Court. The present exercise is not a fresh determination of whether the Commission ought originally to have entertained the matter as a Complaint or a Second Appeal; rather, it is the exercise directed by the Hon'ble High Court following its finding that the statutory requirement relating to third-party hearing had not been complied with. Further, the question of commercial confidence and the harm to the competitive position of third party as mentioned in their written submission is relevant only for third party/business entity and not to the public authority. The Commission has also considered the submission of the respondent SPIO regarding the distinction between Sections 18 and 19 of the RTI Act, 2005. It is noted that the matter was initially instituted before the Commission as a Complaint

under Section 18 of the Act. The Hon'ble Gauhati High Court, while recording the background facts of the matter, has observed that the complainant/respondent No. 3 had thereafter filed a Second Appeal under Section 19(3) of the Act. The Commission has, therefore, proceeded on the basis of the records available before it and in accordance with the directions contained in the Judgment and Order of the Hon'ble High Court.

B. As regards disclosure/non-disclosure of the content of the MoA between the MSHCS and Synod Hospital, Durtlang, in view of the confidentiality clause in the agreement, the issue had already been settled/decided by the Hon'ble Gauhati High Court in its Judgment & Order dt. 17.08.2026 at para 27.4 which is quoted hereinbelow:

“Notably, in the instant case, the MoA was signed between the MSHCS and Synod Hospital. It also appears that the agreement between MSHCS and Synod Hospital involves public funds and a government scheme for treatment of citizens. This creates a strong presumption of public interest in transparency. And that being so, mere commercial sensitivity, as claimed by the petitioner herein, and also the fiduciary relation between the parties, does not automatically bar disclosure. The respondent No.1 and 2, appears to have rightly held that the public-interest override the proviso to Section 11(1) and/or Section 8(1)(d)/(j) herein this case. And it requires no interference of this Court.”

Further, in view of the stand of the Respondents no. 3 & 4 as reflected hereinabove at paras 9, 10, 11 & 12, this Commission is of the view that the MoA between the MSHCS and Synod Hospital, Durtlang does not come under the exemption clause provided under section 8(1)(d)/(j) and, considering the larger public interest outweighing disclosure of the information, it is held that the respondent no. 1 & 2 are legally bound to disclose the full content of the MoA as provided under proviso to Section 11(1) of the RTI Act, 2005 .

DECISION

The Commission has considered the submissions of the parties and the materials available on record. The Commission is of the view that the information sought relates to the implementation of a public scheme and involves the utilisation of public resources and, therefore, carries a clear element of public interest. The Commission further notes that the third party, having been afforded an opportunity to make its submissions, has expressed no objection to the disclosure of the information sought. It is also relevant that the Hon'ble Gauhati High Court, while considering the matter, observed that the agreement involves public funds and a government scheme for treatment of citizens, thereby creating a strong presumption of public interest in transparency, and found no interference warranted with the conclusion that public interest overrides the applicable exemption in the circumstances of the case.

In view of the above, the Commission hereby directs that **Dr. K. Lalnghinglova, SPIO & Chief Finance Officer, Mizoram State Health Care Society shall provide the information sought, free of cost, not later than 23.09.2026.** Compliance report with all the documents provided should also be sent to the Commission for information.

An Order of the Commission being final and binding and no provision for appeal being given under the RTI Act, 2005, the findings and decisions made hereinabove may be questioned only by way of writ petition under Article 226/32 of the Constitution of India.



(JOHN NEIHLAIA)

Chief Information Commissioner
Mizoram Information Commission

Memo No. C. 173/2026-MIC

Dated Aizawl, the 16th September 2026

Copy to: -

1. J. Malsawmzuala, Vanchhawng, VK-71, Galilee Veng, Zemabawk, Aizawl.
2. Dr. K. Lalnghinglova, SPIO & Chief Finance Officer, Mizoram State Health Care Society.
3. Dr. Lalhriatzuali Ralte, FAA & Chief Executive Officer, Mizoram State Health Care Society.
4. Dr. C. Vanlalremsiama, FAA & Deputy Chief Executive Officer, Mizoram State Health Care Society.
5. Rev. Dr. K. Lallawmzuala, Executive Secretary i/c Synod Hospital, Mizoram Synod.
6. Dr. R.L. Sanghluna, Director, Synod Hospital, Durtlang.



(LILY)

Secretary

Mizoram Information Commission
Mizoram: Aizawl