

MIZORAM INFORMATION COMMISSION

(Under the Right to Information Act, 2005)

MINECO, KHATLA, AIZAWL - 796001

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

Second Appeal No. S.A. 421/2026-MIC

*Cicily Zonunfeli,
Bar room – 1, MINECO.*

...Appellant

Vs

*Solai Azyu,
SPIO,
Environment, Forests & Climate Change,
Mamit Forest Division.*

...Respondent

Date & Time of hearing : 30.09.2026 at 01:00 P.M.

Date of decision : 30.09.2026

Relevant facts emerging from the Second Appeal

RTI application filed on	: 11.06.2026
SPIO replied on	: 22.09.2026
First Appeal filed on	: 31.07.2026
FAA issued order/replied on	: NIL
Second Appeal received on	: 13.08.2026

Dr Lalzirmawia Chhangte, State Information Commissioner presided over the hearing.

The appellant's representative Pi H. Lalnunsangi and the respondent Pu Solai Azyu took an oath before commencement of the hearing.

1. The appellant submitted an RTI application to the SPIO, Office of the Principal Chief Conservator of Forests seeking information as follows: -

- (1) 1. Copy of Declaration of "Tut-Langkaih Protected Council Reserve Forest Area" published in the Assam Gazette.
- (2) 2. Copy of Preliminary notification of "Tut-Langkaih Protected Council Reserve Forest Area" as published in "Zoram Hriattirna"
- (3) 3. Copy of Original survey of "Tut-Langkaih Protected Council Reserve Forest Area" conducted by the authorised Council Forest Officers.
- (4) 4. Certified copies of later subsequent surveys of "Tut-Langkaih Protected Council Reserve Forest Area" as maintained by the Department.

(5) 5. Was an objection period opened prior to declaration of Tut-Langkaih Protected Council Reserve Forest Area"?

(6) 6. If any of the above queries are not able to be furnished, please provide a detailed reason for the same.

2. The SPIO, Office of the PCCF transferred her RTI application to the SPIO, Environment, Forests & Climate Change, Mamit Forest Division on 17.06.2026. Since the appellant did not receive any reply even after a lapse of more than 30 days, she submitted a First Appeal to the First Appellate Authority (FAA)/Conservator of Forests (NC) Kolasib on 04.08.2026. As the FAA also did not take any action on the matter, she submitted a Second Appeal to MIC on 15.09.2026.
3. The respondent SPIO furnished the information sought to the appellant on 22.09.2026 intimating this Commission on 29.09.2026 that *"the late reply of RTI of application submitted by Pi Cicily Zonunfeli, Advocate, Bar Room-1 is due to the fact that the notification goes to the former SPIO Pu C. Lalrinmuana who was registered in the portal. The Present Incumbent SPIO could not be registered till date in the Mizoram RTI Portal. And whereas when the application was found, reply have been made in Letter to the applicant."*
4. Summons were issued to the appellant and respondent to appear before the Commission on 30.09.2026 (Wednesday) at 01:00 PM. As scheduled, hearing was held where the appellant, represented by Pi H Lalnunsangi and the respondent were present in person.
5. The appellant stated that late receipt of the information sought is not an issue for them and mentioned that if the information is not available with the office of the DFO, Mamit Forest Division, the respondent SPIO should have transferred the RTI application to the concerned public authority.
6. In reply, the respondent SPIO informed that reply to only point no.1 is available in their office and he is not aware as to which office/division is the custodian of the information sought. He also apologized for the lapse on his part.

OBSERVATIONS:

1. 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*”. This inaction of the respondent SPIO during the specified period is a serious violation of the provisions of the RTI Act as non-response is considered “**deemed refusal**” of the request and would amount to denial of information which can be dealt with as per Section 20 of the RTI Act, 2005.
2. For the information sought not available with the respondent SPIO, **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.** Public information officers are entrusted with the responsibility of providing information to the citizens under the RTI Act and it is expected that the SPIO on receipt of a request shall as expeditiously as possible provide the information sought
3. for by the applicant. The SPIO should have transferred the RTI application to the concerned authority within 5 (five) days as provided under the Section 6(3) of the Act. Pu Solai Azyu is advised to strictly adhere to the provisions laid down under the RTI Act and be more careful in dealing with RTI cases in future.
4. The Commission has also observed that the FAA neither conducted hearing nor furnished replies to his First Appeal. Pu Lalnunsanga Khawlhing is directed that in future, if an appeal is received, he shall conduct hearing and, 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 FAA shall be pronounced in open court and be in writing duly authenticated by the FAA for this purpose and strictly adhere to the relevant provisions of the RTI Act/Rules for every First Appeal received by him in future.

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. **The denial of information under the Right to Information (RTI) Act, 2005 goes against the very spirit and objective of the legislation**, which is to promote transparency, accountability, and participatory governance. The Act was enacted to empower citizens to access information held by public authorities, thereby reducing corruption and enhancing trust in government institutions. When information is unjustly withheld or delayed, it undermines citizens' right to know, creates barriers to democratic participation, and weakens mechanisms of public accountability. Such denials defeat the fundamental purpose of the RTI Act, which seeks to make government functioning open, responsible, and answerable to the people.

DECISION:

In view of the circumstances stated above, the Commission hereby directs that **Pu Solai Azyu, SPIO & DFO, Mamit Forest Division** shall transfer the RTI application pertaining to point no.2 to 6 to the concerned public authority where information may be available not later than 07.10.2026 with compliance report to MIC.

The appeal is disposed of accordingly. Copy of decision to be given, free of cost, to all parties. Although there is no provision for appeal in the RTI Act, 2005 on the decision of the Commission, concerned parties are hereby informed that a constitutional remedy of judicial review by way of Writ Petition under Article 226 of the Constitution before the High Court having jurisdiction is available, in case they are not satisfied with this decision.

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

Memo No. S.A. 421/2026-MIC

Dated Aizawl, the 30th September, 2026

Copy to: -

1. Cicily Zonunfeli, Bar Room No.1, District Court, MINECO.
2. Solai Azyu, SPIO & DFO, Mamit Forest Division. Ph: 9862705396/8787647745.
3. Lalnunsanga Khawlhing, FAA & Conservator of Forests (NC), Kolasib.



(LILY)

Secretary

Mizoram Information Commission

Mizoram: Aizawl