



MIZORAM INFORMATION COMMISSION

(Under the RTI Act, 2005)

MINECO, KHATLA, AIZAWL

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Case No. S.A. 406/2026-MIC

*J. Malsawmzuala Vanchhawng,
Zemabawk, Aizawl*

...Appellant

Vs

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

...Respondent

RTI application filed on	:	29.04.2026
SPIO replied on	:	22.05.2026
First Appeal preferred on	:	26.05.2026
FAA issued order on	:	01.07.2026
Second Appeal preferred on	:	25.08.2026

Date & Time of hearing	:	14.09.2026 at 01:00 PM.
Date of decision	:	01.10.2026

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

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

FACTS OF THE CASE:

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

A. A hnuaia tarlan Mizorama Pvt Hospital te leh Mizoram State Health Care Society ten MUHCS kalpuina tura inremna an ziah copy, detail pricing nen ka rawn dil e.

- 1. JC Eye Hospital, Aizawl*
- 2. Nazareth Hospital, Chaltlang, Aizawl*
- 3. Nazareth Hospital, Ramhlun North, Aizawl*
- 4. Redeem Hospital, College Veng, Aizawl*
- 5. BN Hospital & Research Centre, Kulikawn, Aizawl*
- 6. Eye Care Hospital, Dawrpui, Aizawl*
- 7. D.M. Hospital, Champhai*

8. MED-AIM Hospital, Champhai
9. Christian Hospital, Lawngtlai
10. Lairam Christian Medical Centre (LCMC), Lawngtlai
11. Christian Hospital, Serkawn, Lunglei
12. Faith Hospital, Lunglei
13. John Williams Hospital, Lunglei
14. Mercy Hospital, Serchhip
15. Maraland Gospel Centenary Hospital (MGC), Siaha.

B. A hnuaia tarlan Mizorama Day Care Centre te leh Mizoram State Health Care Society ten MUHCS kalpuina tura inremna an ziah copy, detail pricing nen ka rawn dil e.

1. Kidney 360° Superspeciality Clinic and Dialysis Centre, Bazar Bungkawn, Aizawl
2. Rapha Day Care Centre, Zarkawt, Aizawl
3. Vohbik Day Care, Salem Veng, Aizawl.

C. A hnuaia tarlan Mizoram pawna Empanelled Hospitals te leh Mizoram State Health Care Society ten MUHCS kalpuina tura inremna an ziah copy, detail pricing nen ka rawn dil e.

1. Jeevan Jyoti Health Care & Research Centre Pvt. Ltd, Silchar
2. Guwahati Neurological Research Centre Ltd., Guwahati
3. Health City Hospital, Guwahati (A Unit of North East Health City Private Limited)
4. BM Birla Heart Research Centre, Kolkata
5. Ruby General Hospital Private Limited, Kolkata
6. Peerless Hospital, Kolkata
7. Manipal Hospital (East) India Private Limited, Dhakuria, Kolkata
8. Manipal Hospital EM Bypass, Mukundapur, Kolkata
9. Rabindranath Tagore International Institute of Cardiac Sciences, Kolkata
10. Narayana Superspeciality Hospital, Howrah, Kolkata
11. Narayana Multispeciality Hospital, Howrah, Kolkata
12. Narayana Multispeciality Hospital, Barasat, West Bengal
13. Susrut Eye Foundation & Research Centre, Kolkata
14. AM Medical Centre Pvt. Ltd., Kolkata (for IVF)
15. Indian Spinal Injuries Centre, New Delhi
16. BLK Max, New Delhi
17. Max Super Speciality Hospital, Patparganj, New Delhi
18. Max Super Speciality Hospital East Block, Saket, New Delhi
19. Max Super Speciality Hospital, Dwarka, New Delhi
20. Max Super Speciality Hospital West Block, Saket, New Delhi
21. Max Super Speciality Hospital, Shalimar Bagh, New Delhi
22. Max Smart Super Speciality Hospital, Saket, New Delhi
23. Max Super Speciality Hospital, Noida
24. Max Super Speciality Hospital, Vaishali, Ghaziabad
25. Dr. Balabhai Nanavati Hospital, Mumbai

26. Indira IVF Hospital Limited, Guwahati
27. Hayat Superspeciality Hospital, Guwahati
28. Medanta - The Medicity Gurugram
29. Medanta Super Speciality Hospital, Lucknow
30. Medanta Hospital, Noida
31. Medanta - Abdur Razzaque Ansari Memorial Weavers Hospital, Ranchi
32. Medanta Hospital, Indore
33. Jay Prabha Medanta Super Specialty Hospital, Patna
34. HCG Cancer Hospital, Kolkata
35. The Eyecare Centre, Guwahati
36. Yashoda Hospital, Somajiguda, Hyderabad
37. Yashoda Hospital, Hitec City, Hyderabad
38. Yashoda Hospital, Secunderabad, Hyderabad
39. Yashoda Hospital, Malakpet, Hyderabad

D. A hnuaia tarlan Deemed Empanelled Hospitals te leh Mizoram State Health Care Society ten MUHCS kalpuina tura inremna an ziah copy, detail pricing nen ka rawn dil a. Inremna ziah a awm lo anih chuan heng Hospital-ah te hian MUHCS beneficiaries ten engang hamthatna nge an dawn theih tih ka rawn zawt tel bawk e.

1. Cachar Cancer Care and Research Centre, Silchar
2. Silchar Cancer Centre, Silchar
3. Nazareth Hospital, Shillong
4. Bethany Hospital, Shillong
5. Woodland Hospital, Shillong
6. North Eastern Indira Gandhi Regional Institute of Health & Medical Sciences (NEIGRIHMS), Shillong.
7. All India Institute of Medical Sciences (AIIMS), Guwahati
8. Sri Sankaradeva Nethralaya (SSN), Guwahati
9. Downtown Hospital, Guwahati
10. Institute of Liver and Biliary Sciences (ILBS), New Delhi
11. Amrita Hospital, Faridabad, Delhi NCR
12. Basavatarakam Indo-American Cancer Hospital, Hyderabad

2. In reply, the SPIO provided a reply for point A to C of the application as follows: -

“RTI Act 2005 Sec 8(1) d-in min exempt avang leh damdawi in leh Mizoram Sorkar in MUHCS tana MoA an sign na leh rate inremna te disclose chungchang kaihhnawih hi Court a case kal mek a awm bawk avangin pekchhuah a remchang rih lo a, i hriatthiamna kan ngen e.”

With regard to point D, the SPIO's reply is as follows: -

“Deemed empanelled hospitals te nen hian inremna ziah a awm lo. MUHCS bul tan laia damdawiin nen indawrna kalpui anih khan MUHCS zawm tura inhawng te chu deemed empanelled status pek an ni a, heng damdawiin ah te hian MUHCS beneficiary te chuan MUHCS hamthatna pangngai angin enkawlina an dawng thei a, amaherawhchu empanelled damdawiin angin cashless treatment a dawn theih loh thung. Hemi anih rual hian scheme kalpui tantirh te ah tih loh chu damlo natna a zir a loh theih lohna avanga referral board-in a phalsak a nih loh chuan empanelled damdawiin ni lo ah damlo te kal tir an ni lo.”

3. Not satisfied with the reply received from the SPIO, the appellant preferred First Appeal to the FAA on 26.05.2026 where the FAA conducted hearing on 01.07.2026 and decided that the SPIO shall obtain written permission from all hospitals inside and outside Mizoram (except Synod Hospital, Durtlang and John Williams Hospital, Lunglei) as listed in the original application for the disclosure of agreed rates. Further, the SPIO shall furnish to the appellant in writing, within 30 days of issue of the order, the rates of cashless treatment rendered by empanelled hospitals who agree to disclose notwithstanding the confidentiality clause of the extant MoA between empanelled hospitals and the Government (represented by the CEO, Mizoram State Health Care Society). In cases wherein the disclosure of rates could not be agreed upon to be furnished by the hospitals, it is opined that it is beyond the purview of the FAA in which case the rates could not be furnished unless and otherwise directed by a competent authority.
4. Summons were issued to the appellant and respondents to appear before the Commission on 14.09.2026 (Monday) at 01:00 PM. As scheduled, hearing was held where the appellant and the SPIO attended the hearing in person.
5. The SPIO stated that the appellant had earlier been informed that the Memorandum of Agreement between the Mizoram State Health Care Society (MSHCS) and the private hospital could not be furnished at that stage as the matter was sub judice and the Court had not yet rendered its decision. The SPIO, however, submitted that the FAA had subsequently conducted a hearing on 01.07.2026, wherein both parties were heard, and had thereafter passed a decision directing compliance with the directions of the FAA.
6. The appellant stated that, after submitting the Second Appeal before the Commission, he received certain information from the SPIO. However, he clarified that the information furnished did not contain the specific information sought by him in his RTI application and, therefore, his grievance remained unresolved.
7. Subsequent to the hearing of the Second Appeal, the Mizoram Information Commission, on 16.09.2026, issued communications by email to the Medical Superintendents of the concerned private hospitals as per the information sought by the appellant in his RTI

application seeking their views on the disclosure of the respective Memoranda of Agreement entered into with the Mizoram State Health Care Society (MSHCS).

Through the said communications, the hospitals were specifically asked whether they had any objection to the disclosure of the Memorandum of Agreement. They were further requested, in the event of any objection based particularly on the ground that the Memorandum of Agreement contained commercial confidence, trade secrets or intellectual property, the disclosure of which would harm their competitive position, to clearly state the reasons and grounds for such objection before the Commission.

The hospitals were requested to furnish their written responses by email to the Commission on or before 24.09.2026 for consideration before the Commission took a decision regarding disclosure. The communications further stated that, in the absence of any response within the stipulated period, the Commission would proceed on the basis of the available records and treat such non-response as indicating no objection to disclosure of the Memorandum of Agreement, subject to the provisions of the RTI Act, 2005. The said communications were issued to afford the concerned hospitals a reasonable opportunity to make their submissions before the Commission takes a decision regarding the disclosure of the information.

8. In the meantime, the respondent SPIO was informed on 16.09.2026 to submit justification regarding denial of request under Section 19(5) of the RTI Act, 2005 to the Commission not later than 25.09.2026. In reply, vide memo No. F.12013/5/2026-MSHCS/RTI dated 24.09.2026, the SPIO submitted, *“Mr. J. Malsawmzuala Vanchhawng had submitted an RTI application on 29th April 2026 and reply was provided on 22nd May 2026. The applicant then submitted first appeal on 26th May 2026 for which a hearing was conducted by the DAA on 1st July 2026. A decision on the Appeal was made by the DAA vide appeal order No. F.12013/5/2026-MSHCS/RTI dated 10th July 2026.*

As the information sought involves 3rd parties and in compliance with the decision made by the DAA written permission was sought from all the 3rd parties concerned. The information sought was not denied however 3rd consent was sought under RTI Section 11(1) of the RTI Act 2005. The appellant was then furnished with the sought information with which the 3rd party agrees”. He also enclosed the order issued by the FAA dt. 10.07.2026.

OBSERVATIONS:

9. (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.

(c) 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.

10. 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 private 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.

11. Regarding disclosure of the respective Memoranda of Agreement entered into with the Mizoram State Health Care Society (MSHCS), the Commission observes that the SPIO had obtained consent from the following private hospitals: -

- 1) *JC Eye Hospital, Aizawl*
- 2) *Nazareth Hospital, Chaltlang, Aizawl*
- 3) *Nazareth Hospital, Ramhlun North, Aizawl*
- 4) *Redeem Hospital, College Veng, Aizawl*
- 5) *Eye Care Hospital, Dawrpui, Aizawl*
- 6) *Mercy Hospital, Serchhip*

- 7) *Maraland Gospel Centenary Hospital (MGC), Siaha.*
- 8) *Kidney 360° Superspeciality Clinic and Dialysis Centre, Bazar Bungkawn, Aizawl*
- 9) *Rapha Day Care Centre, Zarkawt, Aizawl*
- 10) *Vohbik Day Care, Salem Veng, Aizawl.*
- 11) *Peerless Hospital, Kolkata*
- 12) *BLK Max, New Delhi*
- 13) *Max Super Speciality Hospital, Patparganj, New Delhi*
- 14) *Max Super Speciality Hospital East Block, Saket, New Delhi*
- 15) *Max Super Speciality Hospital, Dwarka, New Delhi*
- 16) *Max Super Speciality Hospital West Block, Saket, New Delhi*
- 17) *Max Super Speciality Hospital, Shalimar Bagh, New Delhi*
- 18) *Max Smart Super Speciality Hospital, Saket, New Delhi*
- 19) *Max Super Speciality Hospital, Noida*
- 20) *Max Super Speciality Hospital, Vaishali, Ghaziabad*
- 21) *Hayat Superspeciality Hospital, Guwahati*
- 22) *HCG Cancer Hospital, Kolkata*
- 23) *Yashoda Hospital, Somajiguda, Hyderabad*
- 24) *Yashoda Hospital, Hitec City, Hyderabad*
- 25) *Yashoda Hospital, Secunderabad, Hyderabad*
- 26) *Yashoda Hospital, Malakpet, Hyderabad*

Further, pursuant to the communications issued by the Commission on 16.09.2026, the following seven (7) private hospitals have furnished their no objection to disclosure: -

- 1) *BN Hospital & Research Centre, Kulikawn, Aizawl*
- 2) *Christian Hospital, Serkawn, Lunglei*
- 3) *Medanta - The Medicity Gurugram*
- 4) *Medanta Super Speciality Hospital, Lucknow*
- 5) *Medanta Hospital, Noida*
- 6) *Medanta - Abdur Razzaque Ansari Memorial Weavers Hospital, Ranchi*
- 7) *Medanta Hospital, Indore*

The remaining hospitals have not submitted any response within the stipulated period.

The Commission had expressly informed the hospitals that, in the absence of a response within the prescribed period, the Commission would proceed on the basis of the available

records and treat such non-response as indicating no objection to the disclosure of the concerned Memorandum of Agreement, subject to the provisions of the RTI Act, 2005. **Accordingly, in the absence of any objection having been raised by the remaining hospitals, the Commission considers their non-response as indicating no objection to disclosure of the respective Memoranda of Agreement.**

12. The Commission also observes that, despite being afforded an opportunity to convey their views regarding disclosure, several of the private hospitals from whom consent was sought have not submitted any response. However, considering that the issue involved in the present case has already been examined and decided by the Hon'ble Gauhati High Court and that the core issue concerning disclosure of the information remains substantially the same, the Commission considers that no useful purpose would be served by keeping the matter pending solely on account of such non-response.

In the circumstances, and having regard to the fact that the concerned hospitals were afforded an opportunity to raise any objection to the proposed disclosure, the Commission treats their failure to respond as no objection to the disclosure of the information sought, subject to the applicability of any specific exemption under the RTI Act.

13. The Commission observes that the SPIO and the FAA have placed undue reliance on the views expressed by the third parties while considering the request for disclosure. The mere fact that the third parties have not consented to the disclosure of the information cannot, by itself, constitute a ground for denying access to the information. The public authority is required to independently examine the matter in accordance with the provisions of the RTI Act, 2005, including whether any exemption from disclosure is attracted and, where applicable, whether a larger public interest warrants disclosure notwithstanding the objection raised by the third party. The objection or non-consent of a third party is therefore a relevant consideration in the decision-making process, but it is not, by itself, determinative of whether the information may be disclosed.

Accordingly, the SPIO and the FAA should have independently assessed the applicability of the relevant provisions of the RTI Act and arrived at a reasoned decision, rather than treating the third parties' refusal to consent to disclosure as sufficient justification for denying the information.

14. As regards the issue the MoA between the MSHCS and a private hospital (Synod Hospital, Durtlang) in view of the confidentiality clause in the agreement, referred to by the SPIO at para 2 & para 5, 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.”

DECISION:

In view of the foregoing, and considering that the information sought in the instant appeal is substantially similar to that sought in Case No. C. 173/2026-MIC, *J. Malsawmzuala Vanchhawng v. Mizoram State Health Care Society*, and there being no further impediment to its disclosure, **the Commission hereby directs Dr. K. Lalnghinglova, SPIO & Chief Finance Officer, Mizoram State Health Care Society, to furnish the information sought by the appellant, free of cost, on or before 12.10.2026.**

The SPIO shall also submit a compliance report to the Commission, together with copies of all documents furnished to the appellant, for information and record.

The appeal is disposed of accordingly. 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.



(JOHN NEIHLAIA)

State Chief Information Commissioner
Mizoram Information Commission

Decision No. S.A. 406/2026-MIC

Dated Aizawl, the 1st October, 2026

Copy to: -

1. J. Malsawmzuala Vanchhawng, VK-71, Galilee Veng, Zemabawk, Aizawl, Ph: 9862925119
2. Dr. K. Lalnghinglova, SPIO & Chief Finance Officer, Mizoram State Health Care Society, Ph:8575051577.
3. Dr. Lalhriatzuali Ralte, FAA & CEO, Mizoram State Health Care Society.



(LILY)

Secretary

Mizoram Information Commission

Mizoram: Aizawl