



**ARUNACHAL PRADESH INFORMATION COMMISSION  
ITANAGAR**

**BEFORE THE FULL BENCH COURT OF STATE INFORMATION  
COMMISSIONERS**

No.APIC-1136/2023

Dated, Itanagar the 27<sup>th</sup> June, 2024

**Appeal Under Section 19(3) RTI Act, 2005**

**Appellant:** Chow Jaylai Manlai, Vill-Momang, Po-Momong, Namsai District, Arunachal Pradesh, PIN-792103, (M) 7630861442.

Vs

**Respondent:** Er. C.J. Mannou, PIO-cum-EE(WRD), Namsai Division, Namsai District, Arunachal Pradesh, PIN-792103.

**ORDER**

1). This is an appeal under Section 19(3) of RTI Act, 2005 filed by Chow Jaylai Manlai, Vill-Momang, Po-Momong, Namsai District, Arunachal Pradesh, for non-furnishing of information by Er. C.J. Mannou, PIO-cum-EE(WRD), Namsai Division, Namsai District, Arunachal Pradesh, as sought by the Appellant under section 6(1) of RTI Act, 2005 vide Form-A Dated 28/08/2023 regarding **BE, RE, SADA, NEC, NLCPR, UNTIED FUND**.

2). **The 1<sup>st</sup> hearing is held today on 27<sup>th</sup> June, 2024 as scheduled.** Er. C.J. Mannou, PIO-cum-EE(WRD), Namsai Division, Namsai District, Arunachal Pradesh is represented by Adv. Bajangso Kri through online Video Conferencing (hybrid mode of hearing). The representative of the PIO has submitted that they have not received Form-A application of the Appellant so they could not respond to him. Also, the First Appellate Authority (FAA) have not summon the PIO for hearing.

3). The Appellant Chow Jaylai Manlai, came to the commission court late after the completion of the hearing. However, commission gave him opportunity and heard him. The Appellant has submitted that now it has covered almost one year of his submission of application. He has not been furnished with any information till date.

4). The Commission after perusing the records available and in observance of section 6(1)(b) and Section 7(9) of the RTI Act, 2005 directed the Appellant to seek specific information, i.e. detail of information for one specific work of one financial year in one application, so that the public authority can furnish information within prescribed time period, without disproportionately diverting the resources. As the information sought for by the Appellant is vague and voluminous. The information sought for is for the various schemes like **BE, RE, SADA, NEC, NLCPR, UNTIED FUND** for the financial year 2018 to 2023.



5). In this context, it is relevant to mention observation of the Central Information Commission in the case of "Ashok Kumar vs Department Of Higher Education on 3 January, 2020 CIC/DHEDU/A/2018/145972/02526 File no.: CIC/DHEDU/A/2018/145972" -

*"From a perusal of the relevant case records, it is noted that the information sought by the appellant relates to all the IITs and Sec 6(3) transfer by the CPIO, MHRD to all the IITs was not practicably possible. Moreover, it is pertinent to mention here that the sought for information is voluminous and direction for disclosure would disproportionately divert the resources of the public authorities. It is relevant to mention below the Apex Court observations relating to impractical demands of the appellants in the case of CBSE vs Aditya Bandopadhyay & Ors on 9 August, 2011, Civil Appeal No.6454 of 2011[Arising File no.: CIC/DHEDU/A/2018/145972 -*

*"37. ....Indiscriminate and impractical demands or directions under RTI Act for disclosure of all and sundry information (unrelated to transparency and accountability in the functioning of public authorities and eradication of corruption) would be counter-productive as it will adversely affect the efficiency of the administration and result in the executive getting bogged down with the non-productive work of collecting and furnishing information. The Act should not be allowed to be misused or abused, to become a tool to obstruct the national development and integration, or to destroy the peace, tranquility and harmony among its citizens. Nor should it be converted into a tool of oppression or intimidation of honest officials striving to do their duty. The nation does not want a scenario where 75% of the staff of public authorities spends 75% of their time in collecting and furnishing information to applicants instead of discharging their regular duties. The threat of penalties under the RTI Act and the pressure of the authorities under the RTI Act should not lead to employees of a public authorities prioritising 'information furnishing', at the cost of their normal and regular duties."*

*During the hearing, the appellant was asked to assist in reducing the demand for information by specifying any particular region or IIT regarding which he wants the information, so as to seek limited relief which can be provided but the appellant stated that he wants the information as has been sought by him in his original RTI application.*

***Decision:** In view of the above, the appellant is advised to limit the information sought and to submit his revised request for limited information to the CPIO within 10 days from the date of receipt of this order. Thereafter, the CPIO is directed to provide an additional reply to the appellant within 20 days from the date of the receipt of the revised request from the appellant. The appellant is also at liberty to file fresh RTI applications to the concerned IITs with specific queries. The appeal is disposed of accordingly."*

6). The Appellant appealed commission to direct the PIO to furnish information for NEC for the financial year 2020-21.

7). The records available also shows that the matter has not been heard by the First Appellate Authority (FAA). It is observed that under section 19(1) of the RTI Act, 2005, for the principal of natural justice, it is mandatory for the FAA to summon both the parties, give fair opportunities of being heard and pass speaking order on merit.

8). Also, as laid down Guidelines for the FAA issued by the GoI vide memorandum No. 1/14/2008-IR Dated 28/08/2008 and the State Govt. vide memo no. AR-111/2008 Dated 21<sup>st</sup> August, 2008 at para-38, the appellate authority's decision should be a speaking order giving justification for the decision arrived at. Since, it is not done; the case is pre-mature to be considered as an appeal under section 19(3) of the RTI Act, 2005. The application before the Commission without any adjudication of the FAA can be considered as a complaint case under section 18(1) of the RTI Act, 2005. In this context, it is relevant to mention below the Apex Court observations relating to procedural lack in the case of "Chief Information Commr. & Anr vs State Of Manipur & Anr on 12 December, 2011: -



44. This Court, therefore, directs the appellants to file appeals under Section 19 of the Act in respect of two requests by them for obtaining information vide applications dated 9.2.2007 and 19.5.2007 within a period of four weeks from today. If such an appeal is filed following the statutory procedure by the appellants, the same should be considered on merits by the appellate authority without insisting on the period of limitation.

9). In view of above and pre-pages, for the benefit of the Applicant the Commission decides to remand the case to the FAA for appropriate adjudication and passing order on merit in speaking order. The liberty is on the Applicant to file a fresh appeal under section 19(3) of the RTI Act, 2005, if he is not satisfied with the decision of the FAA.

10). N.B: - PIO and Appellant can avail online mode of hearing by downloading "Webex App" from Google Play store, may contact Shri Himanshu Verma at Mob:- 8878891768 for further technical assistance.

Therefore, the case is hereby closed and disposed of.

Order copies be issued to all the parties.

Sd/-

(Rinchen Dorjee)

State Chief Information Commissioner  
Arunachal Pradesh Information Commission

Itanagar

Memo No.APIC-1136/2023

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Dated, Itanagar the

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June 2024

Copy to:

1. The FAA-cum-Chief Engineer (WRD-Eastern Zone), Govt. of A.P. O/o the Chief Engineer, Itanagar, PIN- 791111, for information and necessary action please.
2. The Deputy Commissioner, Govt. of A.P. Namsai District, Arunachal Pradesh, PIN- 792103, for information and necessary action please.
3. Computer Programmer, APIC, Itanagar, to upload in APIC Website & send mail to all the parties.
4. Case file.



Registrar/ Dy. Registrar

Arunachal Pradesh Information Commission

Itanagar

Deputy Registrar  
Arunachal Pradesh Information Commission  
Itanagar