



INFORMATION COMMISSION

ITANAGAR.

Case U/S 19(3) of RTI Act, 2005

Case No. APIC- 684/2023.

Shri Chottimoy Chakma, Vill. Bodhisatta-II, Deban,
P/o Miao, Dist. Changlang (A.P).

: APPELLANT.

Vs

The PIO, o/o the Additional Deputy Commissioner,
Miao, District Changlang (A.P),
PIN: 792122

: RESPONDENT.

ORDER

This is an appeal under Section 19(3) of RTI Act, 2005 filed by Shri Chottimoy Chakma before this Commission for denial of information by the PIO, o/o the Additional Deputy Commissioner, Miao Sub-Division, District Changlang, A.P as sought for by the Appellant under section 6(1) (Form-A) of RTI Act, 2005.

Date of filling of RTI application	09.12.2022
PIO's response	02.02.2023
Date of filing of First Appeal	06.03.2023
First Appellate Authority's response	29.03.2023
Date of diarized receipt of Second Appeal by the Commission	26.07.2023
Date (s) of Hearing in the Commission	02.08.2024
Date of order/decision (Remand) by State Information Commission	05.08.2024
Date of receipt of 1 st appeal for 2 nd time by the FAA on remand	16.08.2024
Date of hearing fixed by the First Appellate Authority on remand	10.09.2024
Date of receipt of 2 nd appeal by Commission u/s 19(3) for 2 nd time	27.05.2025
Date of order/decision by this Commission for the 2 nd time	16.06.2025

This Commission, vide order dt.05.08.2024, had remanded this case to the First Appellate Authority, the D.C, Changlang for adjudication under section 19(1) of the RTI Act, 2005 with liberty to the appellant to prefer his Second appeal before this Commission if he is dissatisfied or aggrieved by the decision of the First Appellate Authority.

Facts of the case:

The brief facts emerging from the records are that the appellant, Shri Chottimoy Chakma, Village: Bodhisatta-II Deban, PO & PS Miao, District Changlang, Arunachal Pradesh, vide his application dt.09.12.2022 filed before the PIO, o/o the Addl. Deputy Commissioner, Miao District Changlang had requested for the following information:

"Please provide me the following information:

1. *When did said petition and the reminder received in the office of the Additional Deputy Commissioner, Miao Sub-Division, Dist. Changlang, Arunachal Pradesh? What were its dairy number?*

2. *When did said petition and reminder placed in files before the Additional Deputy Commissioner, Miao Sub-Division, Dist. Changlang, Arunachal Pradesh for careful consideration of appropriate action regarding prayer requested in the said petition and the reminder?*
3. *Supply clear photocopy of record of file noting, comment and note given in the process of examining the said petition and the reminder for appropriate action.*
4. *Were the said petition and reminder referred or transferred to the officers of any other department, officers of other branch, public authorities for appropriate action? If Yes, supply clear photocopy of the opinion/response/comment received from any officers of any other department, officers of other branch, for appropriate action.*
5. *Supply clear photocopy of land settlement order/record maintained in the old files of village Bodhisatta-II, Deban/Kathan, under Miao Sub-Division, Dist. Changlang (then Tirap), Arunachal Pradesh (erstwhile North Eastern Frontier Agency),*
6. *Supply clear photocopy of records of refugee Identity Cards of the Chakma people, recorded in the years of 1971-1994, maintained in the old files of village namely Bodhisatta-II, Deban/Kathan, under Miao Sub-Division, Dist. Changlang (then Tirap), Arunachal Pradesh (erstwhile North Eastern Frontier Agency).*
7. *Supply clear photocopy of Chitta records/Land records of all the chakma families, recorded in the year of 1964-1996, maintained in the old files of village namely Bodhisatta-II, Deban/Kathan, under Miao Sub-Division, Dist. Changlang (then Tirap), Arunachal Pradesh (erstwhile North Eastern Frontier Agency).*
8. *Whether any type of records maintained in old files available in your office in the name of village Bodhisatta-II, Deban/Kathan, under Miao Sub-Division, Dist. Changlang (then Tirap), Arunachal Pradesh (erstwhile North Eastern Frontier Agency)? If yes, supply its clear photocopy.*
9. *Supply clear photocopy of records of village wise population with village Code by circles in Changlang District, as mentioned in the letter (photocopy enclosed) No. CDC-1/2001/20380-413, dated, 12/01/2006, which was sent to the Addl. Deputy Commissioner, Miao Dist. Changlang, by the I/C District Statistical Officer, Dist. Changlang, Arunachal Pradesh.*
10. *Kindly provide requested above information with seal and signature of the Public Information Officer duly stamped on every page under the Right to Information Act, 2005."*

In response to the appellant's application dt. 09.12.2022, the PIO, o/o the ADC, Miao, vide letter dt. 02.02.2023 had furnished the following replies:

"The information asked for is enclosed for reference.

Or

The following part information is being enclosed.

i) For Sl. No. 1 above.

The letter no. Nil dated 11/02/2022 submitted by 47 petitioners of Bodhisatta-II village, Deban, under Miao, Distr. Changlang was received on 16/02/2022 vide R/No.2756 dated 16/02/2022 and the reminder letter No. Nil dated 07/03/2022 was received R/ No. 2789 dated 09/03/2022.

ii) For Sl. No. 2 above,

The letter No. Nil 11/02/2022 was place to the Addl. Deputy Commissioner, Miao on 16/01/2022 and the reminder letter No. Nil dated 7th March 2022. Was placed to the Addl. Deputy Commissioner, Miao on 09.03/2022.

iii) For Sl. No. 3 above,

The letter No. Nil 11/02/2022 and the reminder letter No. Nil dated 7th March 2022 were placed in the dak file and no any file noting, comment and note available. (photocopy of the front page having signature of ADC Miao is attached herewith).

iv) For Sl. No. 4 above,

Since the letter was parallelly addressed to the Deputy Commissioner, Dist. Changlang, the petition was kept pending awaiting order/direction from the Deputy Commissioner, Changlang who is the higher authority. The Said petition and reminder were not referred or transferred to the officers of any other department, officers of other branch and public authorities.

v)For Sl. No. 5 above,

The land settlement order/record of Vill-Bodhisatta-II, Deban/Kathan under Miao Sub-Division is not available as per office records.

vi) For Sl. No. 6 above,

Records of refugee Identity Cards of Chakma people in the year of 1979-1994 of village Bodhisatta-II and Deban/Kathan is not available as per office records since the records pertains to a period of more than 25 years.

vii) For Sl. No. 7 above,

Chitta records/land records of all the Chakma families, recorded in the year of 1964-1996 of village Bodhisatta-II, Deban/Kathan is not available as per office records.

vii) For Sl. No. 8 above,

No any old records of village Bodhisatta, Deban/Kathan is available as per office records.

ix)For Sl. No. 9 above,

The information asked for pertains to records of about 17 years ago, which are not traceable or available in the office records."

Not satisfied with the response from the office of the ADC, Miao, the appellant filed 1st appeal before the Deputy Commissioner, Changlang under section 19(1) of the RTI Act, 2005 vide his appeal memo dt.06.03.2023.

The record available further disclosed that the PIO, o/o the Dy.Commissioner, Changlang, vide letter dt.29.03.2023 requested the ADC, Miao to provide the requisite information to the o/o the D.C to enable it to dispose the case.

As requested, the o/o the ADC, Miao vide letter dt. 03.05.2023, forwarded to the PIO, o/o the D.C, Changlang, the copy of information which was already furnished to the appellant vide aforesaid letter dt.02.02.2023. The said letter dt. 03.05.2023 of the ADC, Miao also contains the same replies mentioning reasons separately for not providing the information as sought for by the appellant. The PIO o/o the D.C, Changlang, vide letter dt. 09.06.2023 then forwarded the copy of the aforesaid letter to the appellant.

The reasons cited for non-disclosure of the information, as found added in the letter dt.03.05.2024, are reproduced hereunder:

“Reasons for not providing of documentary information as sought:

1) For Sl. No. 1.

The information of receipt of the petition and reminder is provided.

2) For Sl. No. 2

The petition and the reminder letter were placed directly in the dak file of the Addl. Deputy Commissioner, Miao and the information is provided.

3) For Sl. No. 3

The petition and the reminder letters were placed directly in the dak file of the Addl. Deputy Commissioner, Miao and no any file noting, comment and note given in the process of examining the said petition and reminder for appropriate action is available as because the letters were parallelly addressed to the Deputy Commissioner, Changlang also who is the higher authority and further directions/ order was awaited from him.

3) For Sl. No. 4

The aforementioned petition and reminder were not referred or transferred to the officers of any other department, officers of other branch, public authorities for appropriate action as because the letters were parallelly addressed to the Deputy Commissioner, Changlang also who is the higher authority and further directions/ orders were awaited from him.

5) For Sl. No. 5

The information sought are not available and it pertains to a period of more than 50 years before.

6) For Sl. No. 6

The information sought are not available and it pertains to a period of more than 25 years before.

7) For Sl. No. 7

The information sought are not available and it pertains to a period of more than 25 years before.

8) For Sl. No. 8

The information sought are not available and it pertains to a period of more than 40 years before.

9) For Sl. No. 9

The information sought are not available and it pertains to a period of more than 17 years before."

The Appellant, not satisfied with the response of the First Appellate Authority (FAA), the D.C, Changlang, filed 2nd appeal before the Commission vide his memo of appeal dt.26.07.2023 under section 19(3) of the RTI Act on the ground that the PIO and FAA did not provide satisfactory and complete information as requested by him.

This Commission, upon consideration of the above facts and also of the fact that the D.C, Changlang, who is the First Appellate Authority (FAA) as per the Govt. of Arunachal Pradesh Memo. No.AR-117/2015 dt.17.09.2015, did not consider the appeal as required under section 19(1) of the RTI Act, remanded this appeal vide order dt.05.08.24 to the D.C, Changlang for proper adjudication and passing an appropriate speaking order thereon within one month from the date of receipt of order dt.05.08.2024 with liberty to the appellant to prefer second appeal, if dissatisfied or aggrieved by the decision of the First Appellate Authority.

This Commission, on 27.05.2025, received a complaint letter dt.20.05.2025 from the appellant, Shri Chottimoy Chakma under section 18 of the RTI Act, after 9(nine) months from the date of 2nd appeal submitted by the appellant to the FAA on 16.08.2024 complaining that he did not receive any order from the FAA, the D.C, Changlang even after passing of 7 months of the remand order dt.05.08.2024. At the same time, the appellant has admitted that he could not attend the hearing on 10.09.2024 fixed by the FAA vide summon notice dt.03.09.2024, a copy whereof has been attached with his complaint letter.

This Commission notices that while filing complaint under section 18 of the RTI Act, the appellant has also prayed for the information as sought for by him in Sl.No.5 to 9 of his RTI application.

In adverting to the complaint of appellant under section 18, this Commission notices that the D.C, Changlang, the FAA, in compliance with the order of this Commission dt.05.08.2024 had made an attempt to conduct the hearing on 10.09.2024 by issuing summon notice dt.03.09.2024 but he could not hold the hearing due to non-appearance of the appellant as admitted by the appellant himself. However, it is not known if any order has been passed by the FAA as indicated in the summon order dt.03.09.2024. In any case, since the appellant himself did not appear in the hearing, the FAA can not be faulted for non-compliance of the order of this Commission and hence, this Commission holds that no case has been made out against the FAA or the PIO under section 18 of the RTI Act.

As to the appellant's prayer for direction to the PIO to furnish the remaining information against Sl.No.5 to 9, it is pertinent to note that in number of judicial pronouncements, including by the *Apex Court in CIC Vs. State of Manipur and ors in Civil Appeal No.1087-1088 of 2011 (Arising out of S.L.P (C) No.32768-32769/2010)*, it has been held the procedure prescribed under section 18 and 19 of RTI Act are substantially different. Under section 18, this Commission has no power to provide access to the requested information which has been denied to the appellant. The only power which can be passed by the Commission under section 18 is an order of penalty under section 20 of the Act.

It has been held by the Hon'ble Apex Court in the aforesaid case that sections 18 and 19 of the RTI Act serve two different purposes and lay down two different procedures and provide two different remedies. Therefore, the appellant's complaint under section 18 with the prayer for furnishing the information does not merit for favourable consideration. Further, this case as an appeal under section 19(3) has also become time barred as the appellant did not prefer the appeal within the statutory period of 90 (ninety) days from the date on which decision by the FAA under sub-section(1) of section 19 should have been made as laid down under sub-section (3) of section 19 which is reproduced below:

"(3) A second appeal against the decision under sub-section (1) shall lie within ninety days from the date on which the decision should have been made or was actually received, with the Central Information Commission or the State Information Commission.

Provided further that the Central Information Commission or the State Information Commission, as the case may be, may admit the appeal after the expiry of the period of ninety days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time."

As per the records, this Commission's remand order dt.05.08.24 was delivered to the FAA on 16.08.2024 and by 16.09.24 the decision by the FAA under sub-section(1) should have made. Therefore, the 2nd appeal before this Commission should have been filed on or before 16.12.2024 i.e within the period of 90 days from 17.09.2024. But since the 2nd appeal, in terms of liberty granted to the appellant, was filed on 27.05.2025 i.e 5(five) months after the expiry of 90 days, the 2nd appeal can not be admitted in the Commission but liable to be dismissed as being time barred. Consequently, this Commission hereby rejects the appellant's complaint and/or appeal dt.25.05.2025 filed in terms of liberty granted to him in the Commission's remand order dt.05.08.2024

This case is, accordingly, disposed of.

Given under my hand and seal of this Commission on this 16.06.2025.

Sd/-

(S. TSERING BAPPU)

State Information Commissioner

APIC, Itanagar.

Memo No. APIC- 684/2023/ 763 Dated Itanagar, the 16 June, 2025

Copy to:-

1. The Deputy Commissioner, Govt. A.P, Changlang -cum- the First Appellate Authority (FAA), Changlang District for information.
2. The PIO O/o the Additional Deputy Commissioner, Miao, District Changlang, (A.P) PIN: 792122 for information.
3. Shri Chottimoy Chakma Vill. Bodhisatta-II, Debam, P/o Miao, Dist. Changlang, A.P PIN:792122 Email: chakmachottimoy@gmail.com for information."
4. The Computer Programmer/Computer Operator for uploading on the Website of APIC, please.
5. Shri Himanshu Verma, IT Consultant to intimate the Appellant and PIOs for online hearing and arrangement accordingly.
6. Office copy.


Deputy Registrar
Registrar, Deputy Registrar
Arunachal Pradesh Information Commission
APIC, Itanagar.