



ARUNACHAL PRADESH INFORMATION COMMISSION, APIC  
ITANAGAR

An appeal case U/S 19(3) of RTI Act, 2005  
Vide Case No. Appeal-629/A/2025

**BEFORE THE COURT OF SHRI KHOPEY THALEY, STATE INFORMATION  
COMMISSIONER**

Shri Tongam Jamoh and Takar Jamoh ..... Appellant

Versus

PIO-cum-State Election Commissioner Respondent

Date of hearing : 26/11/2025

Date of decision/Judgment : 18/03/2026

INFORMATION COMMISSIONER : Shri Khopey Thaley  
Relevant facts emerging from Appeal:

RTI application file on : 06/06/2025  
PIO replied on :  
First appeal file on : 07/07/2025  
First Appellate Authority's order : 01/08/2025  
2<sup>nd</sup> Appeal dated : 19/08/2025

**Information sought :**

The appellant file a RTI Application dated 06/06/2025 seeking Details regarding procedure and eligibility criteria of Panchayat Raj Election in Arunachal Pradesh.

As per the case record, PIO has provided the sought information to the appellant.

Being dissatisfied, the appellant filed First Appeal dated 07/07/2025. No hearing was conducted by the First Appellate Authority in his jurisdiction. Feeling aggrieved and dissatisfied, appellant approached the Commission with instant Second Appeal.

**The following were present.**

Appellant : Shri Tongam Jamoh & Shri Takar Jamoh absent.

Respondent : PIO-cum-State Election Commissioner present in person.

## JUDGEMENT ORDER

This is an appeal filed under sub-section (3) of Section 19 of the RTI Act, 2005. Brief fact of the case is that the appellants Shri Tongam Jamoh and Takar Jamoh on **06.06.2025** filed an RTI application under Form-'A' before the PIO-cum-State Election Commissioner, Itanagar, Papum Pare District, Govt. of Arunachal Pradesh whereby, seeking various information, as quoted in Form-A application. The Appellant, being not satisfied with the information received from the PIO, filed the First Appeal before the First Appellate Authority on **07.07.2025**, Appellant, again having not received the required information from the FAA, filed the Second Appeal before the Arunachal Pradesh Information Commission on **19.08.2025** and the Registry of the Commission (APIC), having receipt of the appeal, registered it as **APIC No. 629/A/2025** and processed the same for its hearing and disposal.

Accordingly, matter came up for hearing before the Commission for two times i.e on 26/11/2025 and 18/03/2026. In this hearing of the appeal on 18<sup>th</sup> day of March, 2026, the PIO-cum-State Election Commissioner present in person but the appellant Shri Tongam Jamoh and Shri Takar Jamoh found absent without any intimation to the Commission.

### **Background:**

The Appellant filed an RTI application dated 06.06.2025 seeking information from the Public Information Officer (PIO), State Election Commission, Arunachal Pradesh, regarding:

- Eligibility of Non-Indigenous / Non-APST persons to contest, vote, or enrol in Panchayat elections,
- Whether such persons can be considered "Native" or "Ordinary Resident",
- Interpretation of earlier Government letters and notifications,
- Clarification of constitutional and statutory terms such as Native, Ordinary Resident, Indigenous, etc.

The PIO provided no specific clarification, stating that the queries seek opinion and interpretation of law.

The matter came before the Commission for adjudication.

Whether the information sought by the Appellant amounts to:

(a) existing records held by the public authority,

or

(b) opinion, interpretation of law, clarification, or adjudication, which does not fall within the definition of "information" under Section 2(f) of the RTI Act.

After perusal of the RTI application and hearing both sides, the Commission observes as follows:

### **The queries require the PIO to:**

- Interpret terms such as Native, Ordinary Resident, Indigenous,
- Decide the eligibility of certain categories of persons (Non- APST, Non-Indigenous, persons without PRC) to contest/vote,

- Clarify the intent and meaning of an earlier Government letter dated 26.11.2002,
- State whether certain classes of persons fall under the definition given in old regulations.

These questions clearly seek clarification, legal interpretation, and opinion, and not existing records. Under Section 2(f), “information” includes only material that exists in any form. PIOs are not required to Create information, Provide interpretation, Answer hypothetical queries, Offer reasoning behind earlier decisions, Provide legal opinion.

The Commission relies on the following binding decisions:

(i) *CBSE vs Aditya Bandopadhyay* (2011) 8 SCC 497

“A public authority is not required to furnish advice or opinion. Only such material as is available and existing is to be supplied.”

(ii) *Khanapuram Gandaiah vs Administrative Officer* (2010) 2 SCC 1

“PIO is not expected to create information or provide reasons for decisions. He can only furnish material that is available.”

(iii) *Dr. Celsa Pinto vs Goa SIC* (2008)

RTI does not oblige the authority to explain why a decision was taken or interpret statutory provisions.

(iv) *CIC Decision in K.S. Prasad vs SEBI* (2008)

Queries seeking clarification/interpretation of rules do not fall within “information” under the RTI Act.

**The appellant’s queries—particularly regarding:**

- Whether Non-APST/Non-Indigenous persons can contest, vote, or be residents,
- Whether they fall under the definition of Native or Ordinary Resident,
- Interpretation of the Bengal Eastern Frontier Regulation, 1873,
- Interpretation of the Constitution (ST Order), 1950 are adjudicatory in nature.

These require the authority to take a legal position, which cannot be compelled under the RTI Act.

In view of the above analysis and judicial precedents, the Commission holds that:

The information sought in the RTI application does NOT fall within Section 2(f) of the RTI Act. The queries substantially seek legal opinion, Interpretation of statutory terms, Clarification of policy Determination of eligibility Inferences based on hypothetical categories of persons. Such information does not exist in material form and therefore cannot be supplied.

Accordingly, the RTI application is disposed of, and no further action is required by the PIO.

However, the appellant is at liberty to file a fresh RTI application specifying particular documents, notifications, circulars, or orders that already exist and are held by the authority.

The PIO shall provide such identifiable existing records, if available, in accordance with the RTI Act. No further intervention of the Commission is warranted.

The appeal case is disposed of accordingly.

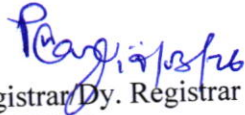
Judgment/Order pronounced in the open Court by the Commission today on this 18<sup>th</sup> day of March, 2026. Each copy of Judgment/Order be furnished to the parties.

Given under my hand and seal of this Commission/Court on this 18<sup>th</sup> day of March, 2026.

Sd/-  
(Khohey Thaley)  
State Information Commissioner  
APIC, Itanagar.  
Dated Itanagar, the 20<sup>th</sup> March, 2026.

Memo.No.APIC-629/A/2025) /1151  
Copy to:

1. The PIO-cum-State Election Commissioner, Itanagar, Papum Pare District, Arunachal Pradesh for kind information.
2. Shri Tongam Jamoh and Takar Jamoh,, Near Head Post Office, Bank Tinali, Itanagar, Arunachal Pradesh for information. Contact No. 7005670629.
3. The Computer Programmer for upload on the Website of APIC, please.
4. Office Copy.

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