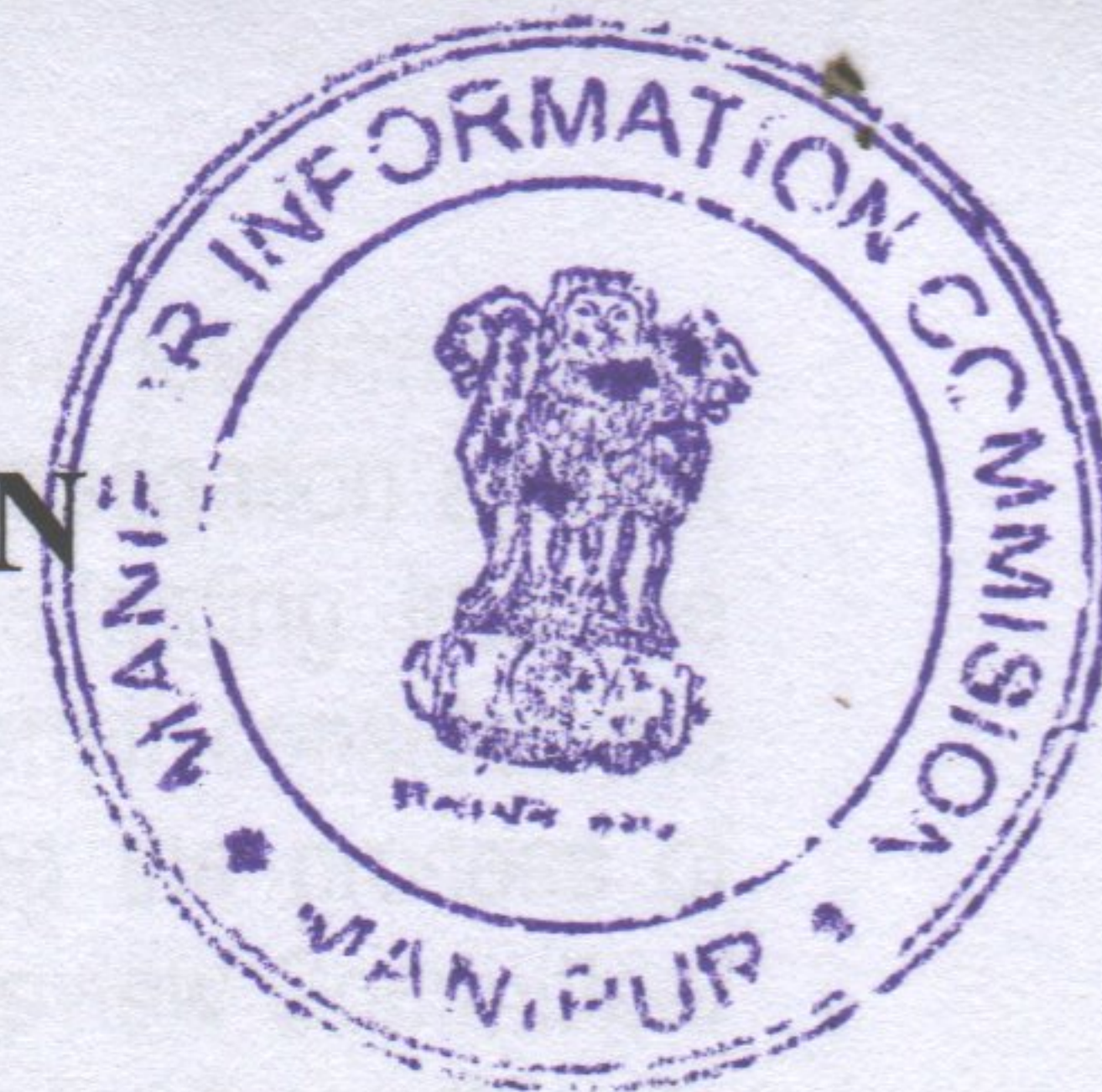


No: A/97/ MIC - 2024
MANIPUR INFORMATION COMMISSION
SECRETARIAT NORTH BLOCK, GROUND FLOOR,
BEHIND WESTERN BLOCK,
IMPHAL, MANIPUR.
Phone No: 0385-2456495



Appeal Case No. 97 of 2024

Ng. Roben Singh

– Appellant.

-Vs-

The SPIO/ Joint Secretary (DP), Government of Manipur & Anr. – Respondents.

JUDGEMENT

Dated: - 10.3.2025

Shri Ph. Bhavananda Sharma, Joint Secretary (DP), Government of Manipur and Shri M. Rabi Singh, Under Secretary (DP), Government of Manipur are present. Shri Ng. Roben Singh, IAS, the Appellant is present.

Brief Facts of the Case:

The Appellant, Shri Ng. Roben Singh, IAS (under suspension) filed an RTI application dated 21.8.2024 to the State Public Information Officer, Department of Personnel Government of Manipur u/s 6 (1) of the RTI Act seeking information on two points viz., (i) copy of the proceedings or report of the Review Committee Meeting held on 9.2.2024 that was submitted to the Government of Manipur for the extension of the suspension of Shri Ng. Roben Singh, IAS (ii) names and designations of the Officers who had attended the said meeting of the Review Committee Meeting held on 9.2.2024.

The SPIO/ DP, Government of Manipur failed to furnish the sought information within the stipulated time, and, as such, the Appellant filed 1st Appeal dated 27.9.2024 to the FAA/ Chief Secretary, Government of Manipur to provide the sought information u/s 19 (1) of the RTI Act.

Thereafter, he filed 2nd Appeal petition to the Commission on 29.10.2024 u/s 19 (3) of the RTI Act, 2005 as a last resort.

Hence, the present Appeal case.

Proceedings of the Hearings:

During the hearing on 25.11.2024, the Public Authority (DP), Govt. of Manipur submitted a letter dated 22.11.2024 to the Commission with copy endorsed to the Appellant. He added that the sought information in the present Appeal case was denied u/s 8 (1) (a) of the RTI Act, for failing to comply with the Government's order about his transfer order and its subsequent extension of suspension by the Review Committee.

The Appellant submitted that he has not received the said letter from the Public Authority and as such, he prayed the Commission to obtain the said letter. Accordingly, the Commission handed over a similar copy of the letter to the Appellant.

After perusing the said letter, the Appellant contended that the information sought in the present Appeal case is not related with the transfer and posting matter. He also added that the exemption clause mentioned by the Public Authority u/s 8(1)(a) of the RTI Act 2005 is not tenable with the presently sought information, as it is not connected with State security interest, nor national security matter, rather he contended that the sought information is related with the Composition of Review Committee as included in Rule No. 3(8)(c) Schedule No. 1 of the All-India Service (Discipline & Appeal Rules) 1969.

He further argued that the function of the Review Committee is to assess the justification for further continuance of any suspension and look into the progress of any inquiry/ investigation against the officer by obtaining relevant information from the authorities enquiring/ investigating into the charges. The Review Committee/ Civil Services Board while examining a case shall consider the possibility of the officer under suspension tampering with the evidence, influencing the process of enquiry or investigation and deprivation of his/her service during suspension. The Review Committee/ Civil Services Board shall submit a detailed report to the competent authority, clearly stating its recommendations and the reasons for arriving at the recommendations relating to the continuance of suspension. He concluded that seeking information on these aspects of the Review Committee does not constitute any involvement of law & order, public order and security of the state. He also contended that the sought RTI application is disclosable information as these are clearly guaranteed by the Rules pertaining to the constitution of Review Committee formed by the State Government.

The Appellant further prayed the Commission that a copy of the report/proceedings of the Review Committee and the names of the Committee members may be furnished to him.

The Appellant further submitted that the information sought cannot be denied to him under Section 8(1)(a) of the Act for the reason that no information can be denied without giving any justification or grounds. He further added that the Central Information Commission in its order dated 7.7.2006 in (Shri Dhananjoy Tripathi -vs- Banaras Hindu University) has passed that quoting provisions of Section 8 of the RTI Act ad libitum to deny the information requested for, by CPIO/ Appellate Authorities without giving any justification or grounds as to how these provisions are applicable is simply unacceptable and clearly amounts to malafide denial of legitimate information attracting penalties u/s 20(1) of the RTI Act.

He also submitted that the information sought for by him has nothing to do with the security of the State as has been the law laid down by the Hon'ble Supreme Court. The Appellant cited one Hon'ble Supreme Court Judgement and Order passed on 11.7.1985 in (Union of India & Anr. -vs- Tulsiram Patel & Ors) that the expressions "law and order", "public order" and "security of the State" have been used in different Acts. Situations which affect "public order" are graver than those which affect "law and order" and situations which affect "security of the State" are graver than those which affect "public order". And, as such, he contended that the sought information does not correlate with any of these grave security concerns. He also stated that the Jiribam District during the time of his transfer was free from ethnic violence and disorder.

The Appellant also preferred for an initiation of penal action against the Public Authorities for denial of his information u/s 20(1) of the RTI Act, as the mandated period of 30 days has lapsed.

The Commission asked the Public Authority (DP) Government of Manipur whether they desire to file written counter on the present Appeal case in the light of the Appeal petition and the oral arguments put forward by the Appellant. However, the Public Authority of the DP, submitted that they will prepare the written submission shortly after examining the decision/ direction of the Commission.

After hearing from both the parties and after perusing the case records, the Commission has observed that the information sought by the Appellant has been denied by the Public Authority (DP) Government of Manipur by merely mentioning the exempted clause of 8(1)(a) of the RTI Act. In this regard the Commission is of the opinion that without furnishing of valid reason/ ground for denying the sought information, mere mentioning of the said exempted clause is not legally tenable in the light of CIC's Order.

Hence, the SPIO/ Joint Secretary (DP) Government of Manipur has been directed to prepare/ provide written reply in support of the Public Authority's decision for denying the sought information under the provision of the RTI Act with copy endorsed to the Appellant.

During the hearing on 16.12.2024 the Appellant submitted a written argument to the Commission. He further reiterated that as the SPIO has failed to furnish the reason for denial of the sought information despite the direction of the Commission he prayed the Commission to initiate penal

action against the Public Authority u/s 20 (1) of the RTI Act. He also prayed the Commission to give direction to the Public Authority to provide the sought information at the earliest.

The Commission seriously views absence of the Public Authority during the hearing without giving any valid reason and also failure of the Public Authority to provide written reply in support of the Public Authority's decision for denying the sought information under the provision of the RTI Act.

However, if the SPIO/ DP still desires to provide the reason for denial of the said information, a written statement/ argument shall be furnished to the Commission with copy endorsed to the Appellant on or before the next hearing without fail as a last opportunity; but if the Public Authority lacks sufficient/ valid reason for denial of the said information, the Public Authority/ DP shall provide all the disclosable information direct to the Appellant.

On the day of last hearing on 7.1.2025, the Appellant submitted that denial of requested information by the SPIO by merely citing that the requested information is exempted under Section 8(1)(a) of the Act has created a doubt in the applicant's mind as to whether the Review Committee was set up as per Schedule 1 of the All India Services (Discipline & Appeal) Rules, 1969 and also whether the said Committee had considered the above mentioned three issues with proper application of mind. If the proceedings of the Committee are in letter and spirit as provided in Schedule 1, there should be no hesitation or excuse from the concerned SPIO in giving the requested information as it has got nothing to do with any of the items/clauses mentioned under Section 8(1)(a) of the RTI Act.

The representative of the Public Authority, DP vide letter dated 3.1.2025 submitted that the decision for the transfer and posting of Shri Ng. Roben Singh as Deputy Commissioner, Jiribam was taken in relation to the prevailing situation in Jiribam District and across the State as a result of the ethnic strife, and that the decision was in the interest of State's security. Since the reason for suspension and its extension thereof (by the Review Committee) was for failure to comply with the Government Order for his transfer which was taken during a sensitive period, the application was denied under Section 8(1)(a) of the RTI, ACT, 2005.

Upon perusal of the entire case records, and the respective written submissions placed before the Commission by the parties, the Commission is of the view that the sought information pertains to the composition of the Review Committee set up as per Schedule 1 of the All India Services (Discipline & Appeal) Rules, 1969 which lays down that the constitution/ formation of the said Review Committee for State Government shall consist of :

- (i). Chief Secretary - Chairman.
- (ii). Senior most Additional Chief Secretary/Chairman, Board of Revenue/ Financial Commissioner or an officer of an equivalent rank as - Member.
- iii) Secretary, Department of Personnel in the State Government - Member Secretary.

The Commission also found that the pertinent queries are on two points, viz., (a) proceedings/ report of the said Review Committee, (b) name and designation of the Officers who attended that said Review Committee meeting held on 9.2.2024. In this regard, the Commission has directed the SPIO/ DP to provide the disclosable information as reflected in its earlier decision dated 16.12.2024 that if the Public Authority lacks sufficient/ valid reason for denial of the said information, the same shall be provided to the Appellant. However, as the Public Authority of DP, Government of Manipur has submitted that the information sought was denied under Section 8(1)(a) of the RTI, ACT, 2005, as the reason for suspension and its extension thereof (by the Review Committee) was for failure to comply with the Government Order for his transfer which was taken during a sensitive period. In this regard, the Commission observes that the SPIO/ DP, has classified the information on query No. (i), i.e., proceedings/ report as a sensitive matter. And, as such, the Commission upheld the decision of the SPIO/ DP for denial of the said information on query No. (i) of the present RTI application.

As the suspension period recommended by the members of the Review Committee Meeting held on 9.2.2024 has completed its timeline, the Commission directs the SPIO/ DP, Government of Manipur to exercise Section 10 (1) i.e., severability provision of the RTI Act and leave out/ exempt the

non-disclosable information but provide the disclosable information on query No. (ii), i.e., names and designation of the Officers who attended the said Review Committee meeting held on 9.2.2024 to the Appellant within a week from receipt of this order.

With the above observation, the present Appeal case is disposed of.

Announced in open Chamber.



Sd/-

(K. Radhashyam Singh)
State Chief Information Commissioner,
Manipur Information Commission.

Authenticated by: -

(Lisham Premananda Singh)
Deputy Registrar (Judl. – II),
Manipur Information Commission

Copy to: -

1. The FAA/ Chief Secretary/ Principal Secy./ Commissioner/ Secretary, (DP) Govt. of Manipur.
2. The SPIO/ Joint Secy. (DP) Government of Manipur.
3. Ng. Roben Singh, # 9436230098, Email: ng.roben@yahoo.com.

*Note: Parties may attend the hearing online and for online hearing, he/ she is requested to download the **Jitsi Meet** App for use on a mobile phone or use the link <https://meet.jit.si/MIC1> for video conference (VC) and enter the room name as **MIC1***