



ARUNACHAL PRADESH INFORMATION COMMISSION

ITANAGAR.

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

Case No. APIC- 834/2025.

APPELLANT : Shri Nabam Tangum, Jote-II, Near NIT, Jote.
RESPONDENT : The PIO, o/o the Circle Officer, Sangdupota Circle District
Papum Pare.

ORDER

This is an appeal under Section 19(3) of RTI Act, 2005 received from Shri Nabam Tangum for non-furnishing of below mentioned information by the PIO, o/o the Circle Officer, Sangdupota Circle District Papum Pare A.P as sought for by him under section 6(1) (Form-A) of RTI Act, 2005 vide his application dated 02.09.2025:

A) Particular of Information: Regarding Land possession certificate (LPC) copy of Shri Pango Gango Located Jote-II Village.

B) Details of Information required

1. Furnish the certified copy of the Land gift deed/ Land sale deed/ Agreement letter made between Shei Nabam Sanjay of Jote-II village and on Shri Pango Gango.
 2. Furnish the certified copy of the Land possession certificate Form submitted by Shri Pango Gango to the C.O Sangdupota along with all the relevant document i.e (i) ST (ii) PRC (iii) pass photo copy (iv) Voter ID card (v) Aadhar Card (vi) Electricity bill/ Water bill.
 3. Furnish the certified copy of the sketch map copy.
- C) Period for which information asked for: 2025.

Brief facts emerging from the appeal:

Records in the appeal revealed that the appellant had requested the PIO for the aforementioned information but failed to obtain the same within the statutory period of one month prescribed under section-7(1) of the RTI Act which prompted him to file his 1st appeal before the First Appellate Authority (FAA), the Additional Deputy Commissioner, Govt. of A.P, Balijan under section 19(1) of the RTI Act vide Memo of Appeal dt. 19.09.2025. But having failed to obtain any relief from the FAA or the requested information, he preferred his 2nd Appeal before this Commission under section 19(3) of the RTI Act vide Appeal Memo dt. 06.11.2025.

This appeal was, accordingly, listed on 20.03.2026 and this Commission upon noticing that the FAA, the Additional Deputy Commissioner, Balijan did not conduct the hearing as required under section 19(1) of the RTI Act, 2005, remanded the appeal to the FAA vide Commission's order dt.20.03.2026 for adjudication and passing an appropriate order as mandated under section 19(1) within 4(four) weeks from the date of receipt of the said order with liberty to the appellant to prefer second appeal before this Commission, if he felt dissatisfied or aggrieved by the decision of the First Appellate Authority.

The appellant, Shri Nabam Tangum, vide his letter dt.11.05.2026, intimated that the FAA, the ADC, Balijan did not conduct the hearing of this appeal and hence, approached this Commission again in terms of the liberty granted to him.

This appeal was, therefore, listed again on **10.07.2026** wherein the appellant Shri Nabam Tangum was absent while Shri Pura Rallo, AC-cum-BDO and i/c AC, Sangdupota was present through VC.

This Commission, after hearing the i/c AC-cum-PIO and upon perusing the PIO's letter dt.10.09.2025 by which the appellant has been intimated that the requested information being not officially registered and the same being personal records of third party, can not be furnished, had passed the following order:

*"This Commission perused the letter as above and while endorsing the stand taken by the o/o the PIO, however, deems it pertinent to point out the as per section 11 of the RTI Act, 2005, when an information relating to a third party has been sought, the PIO, within 5(five) days of the receipt of such request, is required to give notice to the third party concerned and obtain the consent of such party and accordingly, take appropriate decision. But such a course of action, admittedly, having not resorted to by the PIO, this Commission deems it appropriate to direct the PIO to undertake the exercise and take appropriate decision accordingly and report the compliance thereof to this Commission on **07.08.2026**, the next date of hearing. It is made clear that if the appellant does not appear again on the next date of hearing, this appeal shall be closed as not being interested any further by him.*

Given under my hand and seal of this Commission on this 10th July, 2026."

Today on 07.08.2026, the appellant, Shri Nabam Tagum is represented by Shri Cherta Taji in person while Shri Pura Rallo, AC-cum-BDO and i/c AC, Sangdupota is present through VC again.

Heard the parties.

The PIO, in compliance with this Commission's direction as contained in order dt.10.07.2026, had issued notice dt.13.07.2026 to one of the parties to the purported Gift/Sale Deed, namely, Shri Pongo Gongo under section 11(1) of the RTI Act, 2005 in response whereof the third party concerned, vide his letter dt.21.07.26, objected to the proposed disclosure of the gift deed/ Land sale deed/ Agreement (Sl.No.1) and other personal information viz, ST Certificate, PRC, Adhaar Card etc.(Sl.No.2) as exempted under section 8(1)(d) and (j) of the RTI Act, 2005.

The extract of the letter dt.21.07.2026 from Shri Ponga Gongo, one of the parties to the Agreement, is as under:

"Sir,

With due respect and humble submission, I would like to apprise your for-kind consideration and necessary action as herein below:

1. *That sir, to my shock and surprise it is learn through your letter No. CO SPT/RTI-01/2025 Dated Sangdupota the 13th July 2026 received on 16th July 2026 that the applicant/appellant is trying to tarnished my image and reputation by seeking personal information against my properties which they have nothing to do with public interest. It is pertinent to mention that the information sought is related to third party which affects the right to privacy of the people, which is called as the fundamental right of the constitution and harming the fundamental right of the people is an offence under the constitution of the India.*

2. That sir I being the citizen of India is entitled to all rights framed hereunder from time to time as emphasized.
3. That sir as per your letter you have sought my reply and comment whether to furnish reply or not. In regard to that I vehemently oppose to furnish my documents to any other individuals as enriched under the following sections of right to information Act 2005:-
 - a) Section 8(1) (d) says information including commercial confidence, trade secrets, or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the competent Authority satisfied that larger public interest warrants the disclosure of such information.
 - b) Section 8 (1) says that information which relates to personal information the disclosure of which has no relationship to any public activity or Interest or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public information or the appellant authority as the case may be is satisfied with the larger public interest justifies the disclosure of such information.

The documents sought are explicitly my personal documents and has nothing to do with public utility or purposes and the appellants are trying to invade my privacy unnecessary. As such herein stated above, your honour is requested that not disclosed/furnish any personal information, which is exempted by law as mentioned above.

Therefore, I vehemently opposed to furnish my personal information as sought by applicant.

Thanking you,

Your faithfully

Sd/-

Ponga Gongo."

The PIO submitted that the requested documents / information have been denied to the appellant in view of the objection from the third party as above.

In adverting to the issue in question, this Commission deems it appropriate to refer to the relevant provisions of section-8(1)(j) which reads as under:

"8(1) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen,-

(j) information which relates to personal information the disclosure of which has no relationship to any public activity or interest or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information."

What emerges from the above provision is that the protection / exemption provided to the personal information under the clause is a qualified exemption or protection. In other words the exemption is subject to the condition that there is no public activity or interest in disclosing a personal information but if there is public interest involved, the exemption fades out and consequently, the requested personal can be disclosed.

This Commission deems it pertinent to point out here that the central Govt. has enacted the Digital Personal Data Protection Act, 2023 which came into force w.e.f 14th November, 2025 and the said Act, vide section-44, has amended certain central Acts including section 8 of the RTI Act, 2005 which reads as under:

“44(3) In section 8 of the Right to Information Act, 2005, in sub-section(1), for clause (j), the following clause shall be substituted, namely:-

“(j) information which relates to personal information;”

The implication of the amendment of section 8 of the RTI Act, as above, is that from the date of its coming into force i.e w.e.f 14th Nov., 2025, the exemption or the protection provided to the personal information has become absolute. In other words, a personal information shall be exempted from disclosure irrespective of whether or not there is public interest or activity involved in its disclosure.

In view of the position of law as above and also of the fact that the third party has objected to the proposed disclosure of the requested information, this Commission endorses the decision of the PIO and concludes that no direction to the PIO to furnish the information(s) requested by the appellant in his RTI application dt.02.09.2025 can be passed.

This appeal stands disposed of and closed accordingly.

Given under my hand and seal of this Commission on this 7th August, 2026.

Sd/-
(S.TSERING BAPPU)
State Information Commissioner,
APIC Itanagar.

Memo No. APIC-834/2025 ¹³⁹ Dated Itanagar, the ¹² Aug., 2026

Copy to:

1. Deputy Commissioner, Govt. of A.P, Papum Pare District, Yupia for information.
2. The Additional Deputy Commissioner Balijan, Papum Pare District, the First Appellate Authority (FAA), for information.
3. The PIO, o/o the Circle Officer, Sangdupota Circle, District Papum Pare A.P (PIN: 791113) for information.
4. Shri Nabam Tangum, Village Jote-II PO- NIT Jote PS- Balijan District Papum Pare PIN: 791113 (Contact No. 8729854557) for information.
- ✓ 5. The Computer Programmer/Computer Operator for uploading on the website of APIC, please.
6. Office Copy.
7. S/copy.

^{P. Raji}
Registrar/ Deputy Registrar
APIC, Itanagar.

Deputy Registrar
Arunachal Pradesh Information Commission
Itanagar