



**ARUNACHAL PRADESH INFORMATION COMMISSION**

**ITANAGAR.**

**An Appeal Case U/S 19(3) of RTI Act, 2005  
Case No. APIC-334/2025.**

**APPELLANT**

: Shri Nyasam Jongsam, Village Rangkatu  
Chnaglang.

**RESPONDENT**

: ThePIO, o/o the District Election Officer,  
Changlang, District : Changlang (A.P)

**ORDER**

This is an appeal under Section 19(3) of RTI Act, 2005 received from Shri Nyasam Jongsam for non-furnishing of below mentioned information by the PIO, o/o the District Election Officer, Changlang, Arunachal Pradesh as sought for by him under section 6(1) (Form-A) of RTI Act, 2005 vide his application dated 09.12.2024.

Details of information required:

- b) Furnish the following information as per the guidelines of election Commission of India on publicity of criminal antecedents of the returned candidate of 53<sup>rd</sup> Changlang North (ST) Assembly Constituency, Arunachal Pradesh in the following format:

Sl. No.	Information required	If yes, furnish the documents	Remarks
01.	Whether the returned candidate of the said constituency of his political party comply with the provision of Hon'ble Supreme Court, in WP (Civil) No. 536 of 2011 (Public Interest Foundation & Ors. Vs. Union of India & Anr...) dated 25 Sept. 2018 and directions in the Election Commission's letter No. 3/ER/2018/SDR, dated 10.10.2018 and letter No. 3.4.2019/SDR/Vol. IV dated 16.09.20020.	Furnish details	
02.	Whether the returned candidate the BJP office about his pending criminal case?	Furnish the certified copy.	
03.	Whether the BJP has uploaded the pending criminal cases in their website including social media, TV Ads, prime time debates, pamphlets etc.	Furnish in details	

04.	Whether the party president / political party of BJP has submitted the reason for achieving party ticket to ECI for a candidate who has pending criminal cases and in their official social media platforms including Facebook and twitters...?	Furnish in details	
05.	Whether the information/details of the above Sl. No. (03) has been published within 48 hours of the selection or less than two weeks before the first date for filling of nominations?	Furnish in details	
06.	Whether the NCP has submitted a report of compliance with these directions with the Election Commission of India within 72 hours of the selection of the BJP candidate?	Furnish in details	
07.	Whether the returned candidate has published the details of his criminal antecedents at least one edition in National News paper?	<b>Furnish the details of National/ Local newspaper</b>	
08.	Whether para 16 (iii) of the ECI guidelines and rules have been strictly followed or not by the returned candidate of the said Constituency?	Furnish in details	
09.	Whether any notice have been served by RO to the candidate for his non adhering of any rules and guidelines of ECI, if any?	Furnish in details	

Periods for which information is asked for: 2024

**Facts emerging from the appeal:**

Records in the appeal reveal that the appellants had requested the PIO for the aforementioned information in response to which the District Election Officer, Changlang, vide letter dt.02.01.2025, had furnished the following replies:

*“With reference to your application (Form ‘A’) No. Nil Dated 09/ 12/2 4. I am furnishing herewith the information as sought in the application for your kind information.*

Sl. No	Information Required	Information Provided
1	<i>Whether the returned candidate of the said constituency of his political party comply with the provision of Hon’ble Supreme Court, in WP (civil) No. 536 of 2011 (Public Interest Foundation &amp; Ors. Vs Union of India &amp; Anr....) dated 25 Sept/2018 and directions in the Election Commission’s letter No.3/ER/2018/SDR, dated 10.10.2018, and letter No. 3/4/2019/SDR/Vol. 1V dated 16/09/2020</i>	YES



Sl. No	Information Required	Information Provided
02	<b>Whether the returned candidate informed the BJP office about his pending criminal cases?</b>	No information available at this office.
03	<b>Whether the BJP has uploaded the pending criminal cases in their websites including social media, TV Ads, Prime Time debates. pamphlets etc?</b>	No information available at this office
04	<b>Whether the party president/political party of BJP has submitted the reason, for achieving party ticket to ECI for a candidate who has pending criminal cases and in their official social media platforms including Facebook and Twitter?</b>	No information available at this office.
05	<b>Whether the information/details of the above sl. no. 3 has been published within 48 hours of the selection of the candidate or less than two Weeks before the first date for filling nominations?</b>	No information available at this office.
06	<b>Whether the NCP has submitted a report of compliance with these directions with the Election Commission of India within 72 hours of the selection of BJP candidate?</b>	No information available at this office.
07	<b>Whether the returned candidate has published the details of his criminal antecedents at least one edition in National News paper?</b>	No information available at this office.
08	<b>Whether para 16(iii) of the ECI guidelines and rules have been strictly followed or not by the returned candidate of the said constituency ?</b>	Applicant is requested to specify the exact provision for sharing the information
09	<b>Whether any notice have been served by RO to the candidate for his non adhering of any rules and guidelines of ECI, if any?</b>	NA

Yours faithfully,

Sd/-  
(VISHAL SAH) IAS  
District Election Officer,  
Changlang District, Changlang."



Records further reveal that the appellant, apparently, aggrieved with the response of the PIO as above filed his 1<sup>st</sup> appeal before the First Appellate Authority (FAA), the Deputy Commissioner, Changlang District under section 19(1) of the RTI Act vide his Memo of Appeal dt. 20.01.2025. But having failed yet again to obtain the information, he preferred this second appeal before this Commission under section 19(3) of the RTI Act vide Appeal Memo dt.21.04.2025.

This appeal was, thus, heard on 29.08.2025 wherein the appellant, Shri Nyasam Jongsam was present in person while the PIO was represented by Shri Marpe Riba, the ADC-cum-Dy. DEO, Changlang.

This Commission heard the parties. The appellant reiterated his demand for the requested information from the o/o the PIO and pleaded for an appropriate direction to the PIO to furnish the requested information to him. The ADC-cum-Dy. DEO, on the other hand submitted that the appellant had sought the information as to the compliance by the BJP and its candidate of the Hon'ble Apex Court order and the ECI guidelines and that the o/o the PIO had, accordingly, furnished its replies. The ADC-cum-Dy. DEO further contended that since the queries of the appellant mostly pertain to the compliance by the BJP of the ECI guidelines, the appellant should have sought the information from the BJP and not from the o/o the DEO.

This Commission, however, noticed that the replies furnished by the PIO against queries 2,3,4,5,6, and 7 were "No information available at this office" and 'N.A' against query No.9. The reply to query No.1 was, however, in the positive i.e 'yes'. This Commission, therefore, inviting the attention of the PIO to the section - 7(8)(i) of the RTI Act 2005 which provides for communicating the reasons where an information is denied to the applicant, directed the o/o the PIO to furnish the reasons justifying its replies, 'No information available' and 'N.A' and thus, adjourned the hearing of this appeal to 19.09.2025 asking for the physical presence of the representative of the PIO therein. As directed, on 19.09.2025 the ADC/Dy. DEO, Shri Marpe Riba was present in person with the copy of revised replies to the queries of the applicant, Shri Nyasam Jongsam who was also present in person.

The revised replies dt.12.09.2025 furnished by the PIO to the appellant reads as under:

*"With reference to your application (Form 'A') No. Nil Dated 09/ 12/2 4. I am again re-furnishing herewith the information as sought in the application for your kind information.*

Sl.No	Information Required	Information Provided
1	Whether the returned candidate of the said constituency of his political party comply with the provision of Hon'ble Supreme Court, in WP (civil) No. 536 of 2011 (Public Interest Foundation & Ors. Vs Union of India & Anr...,) dated 25 Sept/2018 and directions in the Election Commission's letter No.3/ER/2018/SDR, dated 10.10.2018, and letter No. 3/4/2019/SDR/Vol. 1V dated 16/09/2020	Yes, as required, the contested candidate has duly filled up the forms/affidavit as prescribed by the Election Commission of India, and the said form contains all the particulars as mandated therein. Further more, in the affidavit of the returned candidate, all the columns relating to pending criminal cases and cases of conviction have been duly filled in as 'Nil' by the candidate.



Sl.No	Information Required	Information Provided
02	<b>Whether the returned candidate informed the BJP office about his pending criminal cases?</b>	The matter pertains to the BJP, and, accordingly, this office has no access to it. Hence, this office does not possess such information.
03	<b>Whether the BJP has uploaded the pending criminal cases in their websites including social media, TV Ads, Prime Time debates. pamphlets etc?</b>	The matter pertains to the BJP, and, accordingly, this office has no access to it. Hence, this office does not possess such information.
04	<b>Whether the party president/political party of BJP has submitted the reason, for achieving party ticket to ECI for a candidate who has pending criminal cases and in their official social media platforms including Facebook and Twitter?</b>	The matter pertains to the BJP, and, accordingly, this office has no access to it. Hence, this office does not possess such information.
05	<b>Whether the information/details of the above sl. no. 3 has been published within 48 hours of the selection of the candidate or less than two Weeks before the first date for filling nominations?</b>	The matter pertains to the BJP, and, accordingly, this office has no access to it. Hence, this office does not possess such information.
06	<b>Whether the NCP has submitted a report of compliance with these directions with the Election Commission of India within 72 hours of the selection of BJP candidate?</b>	The matter pertains to the BJP, and, accordingly, this office has no access to it. Hence, this office does not possess such information.
07	<b>Whether the returned candidate has published the details of his criminal antecedents at least one edition in National News paper?</b>	No such record is available in this office and as per the affidavit of the candidate and the police verification report, no criminal antecedents have been found,
08	<b>Whether para 16(iii) of the ECI guidelines and rules have been strictly followed or not by the returned candidate of the said constituency ?</b>	Applicant is requested to specify the exact provision for sharing the information.
09	<b>Whether any notice have been served by RO to the candidate for his non adhering of any rules and guidelines of ECI, if any?</b>	No notice has been served by the Returning officer to the candidate, as no instance of non-adherence to the rules and guidelines of the Election Commission of India has been reported.

(emphasis supplied)



The Election Commission of India letter No. 3/4/2017/SDR/Vol.II dt 10.10.2018 which has been referred to by the appellant as containing the directions of the Apex Court in orders passed in Writ Petition(C) No. 784 of 2015 (Lok Prahari Vs. Union of India & Others) and Writ Petition (Civil) No. 536 of 2011 (Public Interest Foundation & Ors. Vs. Union of India & Anr.) is extracted hereunder:

“To,

The Chief Electoral Officers of All States and Union Territories.

- Sub: (i) Supreme Court’s Judgment on the petition regarding people with criminal antecedents contesting elections;  
(ii) Amendments in Form-26 (Format of affidavit by candidates).

Sir/Madam,

The candidates at all elections are required to file affidavit in Form-26, along with nomination paper, declaring information about criminal cases, assets, liabilities and educational qualifications. Form-26 has now been amended vide Ministry of Law & Justice Notification No. H.11019(4)/2018-Leg.II, dated 10” October, 2018. The amendments made in Form-26 are in pursuance of the directions in the judgements of the Hon’ble Supreme Court in Writ Petition(C) No. 784 of 2015 (Lok Prahari Vs. Union of India & Others) and Writ Petition (Civil) No. 536 of 2011 (Public Interest Foundation & Ors. Vs. Union of India & Anr.). A copy of the said notification along sf with a copy of the updated Form-26 is enclosed herewith. **The candidates are now required to file the affidavit in the amended Form-26.**

2. In the judgement in Writ Petition (Civil) No. 536 of 2011, the Hon’ble Supreme Court has, inter alia, given the following directions:

- “(i) Each contesting candidate shall fill up the form as provided by the Election Commission and the form must contain all the particulars as required therein.  
(ii) It shall state, in bold letters, with regard to the criminal cases pending against the candidate.  
(iii) if a candidate is contesting an election on the ticket of a particular party, he/she is required to inform the party about the criminal cases pending against him/her.  
(iv) The concerned political party shall be obligated to put up on its website the aforesaid information pertaining to candidates having criminal antecedents.  
(v) The candidate as well as the concerned political party shall issue a declaration in the widely circulated newspapers in the locality about the antecedents of the candidate and also give wide publicity in the electronic media. When we say wide publicity, we mean that the same shall be done at least thrice after filing of the nomination papers.”

3. In pursuance of the abovementioned judgement, the Commission, after due consideration, has given the following ***directions to be followed by candidates at elections to the Houses of Parliament and Houses of State Legislatures who have criminal cases against them, either pending cases or cases , of conviction in the past, and to the political parties that set up such candidates :***

- (a) Candidates at elections to the House of the People, Council of States, Legislative Assembly or Legislative Council who have criminal cases against them either pending cases or cases in which candidate has been convicted, shall publish a declaration about such cases, for wide publicity, in newspapers with wide circulation in the constituency area. This declaration is to be published in Format C-1 attached hereto, at least on three different dates / from the day following the last date for withdrawal of candidatures and upto two days before the date of poll.



The matter should be published in font size of at least 12 and should be placed suitably in the newspapers so that the directions for wide publicity are complied with in letter and spirit. (illustration: If the last date for withdrawal is 10<sup>th</sup> of the Month and poll is on the 24<sup>th</sup> of the Month, the publishing of declaration shall be done between 11<sup>th</sup> and 22<sup>nd</sup> of that Month).

(b) All such candidates with criminal cases are also required to publish the above declaration on TV channels on three different dates during the abovementioned period. But, in the case of the declaration in TV Channels, the same should be completed before the period of 48 hours ending with the 1 hour fixed for conclusion of poll.

(c) In the case of all candidates who have criminal cases as per the declarations in Items 5 and 6 of Form-26, the Returning Officer shall give a written reminder about the directions herein for publishing declaration about the criminal cases in newspapers and TV channels for wide publicity. A standard format for such reminder to the candidates is annexed as Format C-3. The candidates shall submit the copies of newspapers in which their declaration in this regard was published to the District Election Officer, along with their account of election expenses.

(d) In the case of candidates with criminal cases set up by political parties, whether recognized parties or registered un-recognized parties, such candidates are required to declare before the Returning Officer concerned that they have informed their political party about the criminal cases against them. Provision for such declaration has been made in Form-26 in the newly inserted item (6A).

4. The Political Parties — recognized parties and registered un-recognised parties, which set up candidates with criminal cases, either pending cases or cases of past conviction, are required to publish declaration giving details in this regard on their website as well as in TV channels and newspapers having wide circulation in the State concerned. This declaration by political parties is to be published in Format C-2, annexed hereto. Publishing of the declaration in newspapers and TV channels is required to be done atleast on three different dates during the period mentioned in Para-2(a) above. In the case of TV channels, it shall be ensured that the publishing should be completed before the period of 48 hours ending with the hour fixed for conclusion of poll for the election. All such political parties shall submit a report to the Chief Electoral Officer of the State concerned stating that they have fulfilled the requirements of these directions, and enclosing therewith the paper cuttings containing the declarations published by the party in respect of the State/UT concerned. This shall be done within 30 days of completion of election. Thereafter, within the next 15 days, the Chief Electoral Officer should submit a report to the Commission confirming compliance by the parties concerned, and pointing out cases of defaulters, if any.

5. xxxxxxxx

6. xxxxxxxx

7. xxxxxxxx

Sd/-

(K.F.WILFRED)

Sr. PRINCIPAL SECRETARY.”

(emphasis supplied)

What emerges from the above ECI letter is that in pursuance of the Apex Court judgement cited therein, the Candidates at elections to the Parliament and State Legislature, the Political Parties and the Official Election Machineries are required to follow certain directions as listed in para-3 to 6, while filing nomination papers by the Candidates.



As per directions at para-3(a) and (b), the candidates who have criminal records are required to publish a declaration about such cases in newspapers as well TV channels on three different dates.

As per direction at sub-para (c) and (d), the candidates are mandated to submit to the **District Election Officer**, the copies of newspapers in which their declaration was published along with their account of election expenses and such candidates are also required to declare before the **Returning Officer** concerned that they have informed their political party about the criminal cases against them.

The direction at para-4 requires the Political Parties, which set up candidates with criminal cases, to publish declaration giving details in this regard on their website as well as in TV channels and newspapers. All such political parties are then required to submit a report to the **Chief Electoral Officers** of the States stating that they have fulfilled the requirements of these directions, and enclosing therewith the paper cuttings containing the declarations published by the party in respect of the State/UT concerned. Thereafter, the **Chief Electoral Officer is mandated** to submit a report to the Commission confirming compliance by the parties concerned, and pointing out cases of defaulters, if any.

From the 9 (nine) queries of the appellant vis-à-vis the directions of the ECI, that the PIO, o/o the DEO, Changlang is supposed to respond to queries Nos.1,2,3,5 and 7 in terms of the directions at para-3 (c) & (d) and para-4.

This Commission notices that the PIO, in the revised replies dt.12.09.2025 had elaborated its earlier reply, "yes" to query No.1 stating, inter alia that *in the affidavit of the returned candidate, all the columns relating to pending criminal cases and cases of conviction have been duly filled in as 'Nil' by the candidate*. However, against the rest of the queries viz, Nos. 2,3 and 5 a common reply, similar to earlier reply, has been furnished while against No. 7 it has been replied that *"No such record is available in this office and as per the affidavit of the candidate and the police verification report, no criminal antecedents have been found"*.

During the course of hearing the DDEO reiterated the submission made in the aforesaid letter and also submitted that the affidavit on the pending criminal case submitted by the winning candidate is already uploaded in the website along with other required declarations which can easily be accessed by any one including the appellant.

This Commission, upon perusal of the copy of the affidavit filed by the winning candidate as produced by the appellant, found that the winning candidate did declare in para-5 under part-A of the affidavit filed by him about a pending appeal/application for review [Criminal Petition No.34/AP/22 arising of IA Cr. Case No.04/CLG/2022 U/s 156(3) Cr.PC].

In the premises as above, this Commission is of the opinion that the appellant has been provided with the information he had sought for from the PIO and resultantly, no further adjudication of this appeal is required and the appeal, accordingly, stands disposed of as such.



Given under my hand and seal of this Commission on this 19<sup>th</sup> Sept., 2025.

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

Memo No. APIC- 334/2025

Dated Itanagar, the 23 Sept.,

2025

Copy to:

1. The Deputy Commissioner, Changlang, Govt. of A.P, the First Appellate Authority (FAA) for information.
2. The PIO, o/o the District Election Officer, Changlang (A.P) PIN: 792120 for information.
3. Shri Nyasam Jongsam, Village Rangkatu, PO//PS Changlang, (A.P) PIN: 792120 Mobile No. 9362128311 for information.
- ✓ 4. The Computer Programmer/Computer Operator for uploading on the Website of APIC, please.
5. Office copy.
6. S/Copy.

*Rangis 19/9/25*  
Registrar/ Deputy Registrar  
APIC, Itanagar.

Deputy Registrar  
Arunachal Pradesh Information Commission  
Itanagar