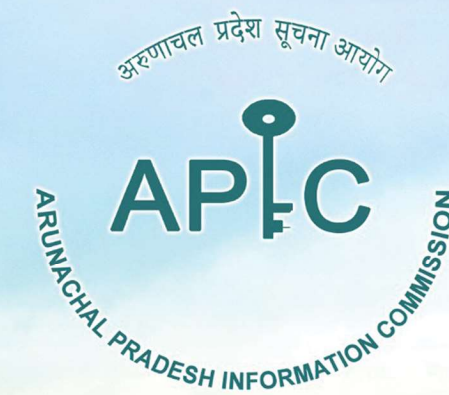




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ANNUAL REPORT 2022-2023

Arunachal Pradesh Information Commission
Itanagar

(i)

ANNUAL REPORT

2022-2023



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Arunachal Pradesh, Itanagar, 791111

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(ii)

RINCHEN DORJEE
Chief Information Commissioner



Arunachal Pradesh Information Commission
Opposite the A.P. Legislative Assembly
ESS-Sector, Itanagar.

Website : apic.arunachal.gov.in
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PREFACE

The Arunachal Pradesh Information Commission has successfully completed 18 (eighteen) years in implementation of Right to Information Act 2005. This sunshine Act has proved as a game changer across the country in achieving transparency and accountability in the governance by implementing the Act in letter and spirit.

This Annual Report aims to highlight how the Act has been implemented successfully during the period 2022-23. During this period, following State Information Commissioners intensively implemented the RTI Act -

1. Shri Rinchen Dorjee, State Chief Information Commissioner (w.e.f. 13/08/2021).
2. Shri Goto Ete, State Information Commissioner (w.e.f 17/05/2018).
3. Shri Genom Tekseng, State Information Commissioner (w.e.f 04/02/2021).
4. Ms. Sonam Yudron, State Information Commissioner (w.e.f 04/02/2021).
5. Shri Gumjum Haider, State Information Commissioner (w.e.f 04/02/2021).

During the period under report, out of the 824 registered cases, 769 cases were disposed of and 55 cases are under trial. Defaulting PIO's were penalized to the tune of ₹ 5,00,000/- (Rupees five lakh) only and an amount of ₹ 55,000/- (Rupees fifty five thousand) only were compensated to the information seekers for loss and other detriment suffered by them in visiting the PIO's office and to the commission for the hearings.

It shall be the endeavor of the Commission that the citizens are not deprived of their rights as enshrined in the RTI Act in getting information as requested for. It shall also see that provisions of the Act are not misused for the personal benefit or to victimize the honest and sincere Public Authorities.

The objective of the Act is to promote transparency and accountability in the working of every Public authority by giving citizens the right to seek information whatever is unrestricted they desire to obtain. The Act strikes a fine balance between what information ought to be given to the seeker and what ought to be held back. Accordingly, a set of exemption is listed out under Section 8 and bodies or agencies not required to give information are listed under Section 24. However, matters pertaining to corruption and violation of human rights are not exempted.

(iii)

Our sincere thanks to the Hon'ble Governor of A.P. for the valuable guidance and advice from time to time. We also acknowledge the financial assistance and contribution of Government for enabling us for extension of office building and successful implementation of hybrid mode of hearing and e-filing of appeals and of complaints as per the order of Hon'ble Supreme Court of India. The Commission has spared no efforts to redress the genuine grievances but much is still to be done to educate the public authorities as well as the citizens so that the objectives of the law are achieved and transparency in the Public arena increases.

The Commission extends its gratitude to the Director, Department of Printing Government of Arunachal Pradesh and its staff for their remarkable role in bringing out this report in the most presentable form.

The Commission also wishes to express its special thanks to the Registrar, Dy. Registrar, other officers and officials of the Commission, who have immensely contributed in preparing this report.

We sincerely hope that this report will be helpful to the public authorities, civil societies, NGOs, the RTI activists and citizens in maintaining transparency, accountability and in checking corruption at all levels.

A handwritten signature in black ink, consisting of a stylized figure with a circular body and a long, sweeping line extending upwards and to the right.

(Rinchen Dorjee)

State Chief Information Commissioner,
Arunachal Pradesh Information Commission,
Itanagar.

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Annual Report 2022-23

1. Introduction

The Right to Information Act, 2005 is a landmark legislation that has transformed the relationship between the citizen and the state. This legislation has created for every citizen to hold the instrumentalities of Governance accountable on a day-to-day basis. The legislation perceives the common man as an active participant in the process of nation building by conferring on him the right to participate in the process through the implementation of the Right to Information Act.

It has been more than 18 years since the RTI Act has been in operation in the state of Arunachal Pradesh. A key strength of the Act pertains to administrative and adjudicative autonomy of the Information Commission.

The Right to Information Act 2005 came into force in Arunachal Pradesh along with the rest of the country on 12th October, 2005 after 120 days of its enactment. As per the provisions of this Act, State Public Information Officers (SPIO) and Assistant Public Information Officers (APIO) were appointed by the Government of Arunachal Pradesh under separate notifications. In pursuance to the provisions of Clause 3 of Section 15 of the Right to Information Act, a selection committee was constituted for the appointment of State Chief Information Commissioner and State Information Commissioners. On 13th October, 2006, Arunachal Pradesh Information Commission (APIC) was constituted and the State Chief Information Commissioner Shri Nyodak Yanggam and State Information Commissioners Shri Bani Danggen, Shri Habung Payeng and Shri Nipo Nabam were administered the oath of office by His Excellency Governor of Arunachal Pradesh, on 19th October 2006. As per Notification No. OM/51/2005/390 dated 14.11.2007, Shri Toko Anil was appointed as the 4th SIC and was sworn in on 3rd December, 2007.

The Right to Information Act, 2005 has not only empowered the citizens of Arunachal Pradesh but also redefined their role in governance. The establishment and effective functioning of the Arunachal Pradesh Information Commission (APIC) stand as a testament to the state's commitment to transparency and accountability. The recognition of APIC as the best Information Commission in India in 2009 underscores the significant impact of the Act in promoting good governance. As we reflect on more than 18 years of the RTI Act's implementation in Arunachal Pradesh, it is clear that the legislation has fostered a more engaged and informed citizenry, laying a robust foundation for participatory democracy and nation-building. As we present the APIC Annual Report for 2022-23, we reflect on over 18 years of implementing the RTI Act in Arunachal Pradesh, reinforcing our commitment to transparency, accountability, and the active participation of citizens in governance.

2. List of former and present State Chief Information Commissioners and State Information Commissioners in the Arunachal Pradesh Information Commission

Name	Position	Appointment Date	Date of Oath taking	Date of Remittance of Office	Reason for Demission
Shri Nyodek Yonggam	State Chief Information Commissioner	20-10-2006	20-10-2006	28-02-2011	Completion of 5-year tenure
Shri Y.D. Thongchi, IAS (Rtd.)	State Chief Information Commissioner	01-03-2011	01-03-2011	06-10-2015	Attaining age of 65 (Section 16(2) RTI Act 2005)
Shri Matheim Linggi	State Information Commissioner	02-01-2014	08-01-2014	07-01-2019	Completion of 5-year tenure
Smti Nanom Jamoh	State Information Commissioner	02-01-2014	08-01-2014	07-01-2019	Completion of 5-year tenure
Shri Eken Riba	State Information Commissioner	02-01-2014	08-01-2014	27-07-2016	Attaining age of 65 (Section 16(2) RTI Act 2005)
Shri Abraham K. Tech	State Information Commissioner	02-01-2014	08-01-2014	07-01-2019	Completion of 5-year tenure
Dr. Joram Begi	State Chief Information Commissioner	28-06-2016	10-07-2016	28-06-2021	Completion of 5-year tenure
Shri Goto Ete	State Information Commissioner	07-05-2018	16-06-2018	Present	-
Shri Leki Phuntso	State Information Commissioner	04-06-2019	26-07-2019	08-04-2020	Attaining age of 65 (Section 16(2) RTI Act 2005)
Shri Rinchen Dorjee	State Chief Information Commissioner	12-08-2021	13-08-2021	Present	-
Shri Genom Tekseng	State Information Commissioner	03-02-2021	04-02-2021	Present	-
Km. Sonam Yudron	State Information Commissioner	03-02-2021	04-02-2021	Present	-
Shri Gumjum Haider	State Information Commissioner	03-02-2021	04-02-2021	Present	-

3. Arunachal Pradesh Information Commission 2022-23

Sl. No.	Name & Designation	Contact Number
1.	Shri Rinchen Dorjee State Chief Information Commissioner	8732828044 (Mobile) 0360-2213952 (O)
2.	Shri Goto Ete State Information Commissioner	8794259266 (Mobile)
3.	Shri Genom Tekseng State Information Commissioner	09436040171 (Mobile)
4.	Shri Gumjum Haider State Information Commissioner	09436040637 (Mobile)
5.	Ms Sonam Yudron State Information Commissioner	07431815780 (Mobile)

REGISTRY

Sl. No.	Name & Designation	Contact Number
1.	Shri Habung Donyi APCS, Secretary-cum-Registrar (From 01-03-2021 to 05-12-2022)	7005928102 (Mobile)
2.	Shri Taro Mize APCS, Secretary-cum-Registrar (From 15-12-2022 till date)	9436256522 (Mobile)
3.	Smti M.Padung APCS, Deputy Registrar (From 09-03-2017 till date)	9436046333 (Mobile)
4.	Shri Jacob Lego Finance and Accounts Officer (From 11-12-2020 till date)	9436041001 (Mobile)
5.	Shri Rintu Saikia Legal Counsel of the APIC	9436041570 (Mobile)

(4) Activities undertaken by the Arunachal Pradesh Information Commission in the year 2022-23

- (i) Awareness Programme on RTI Act 2005 by Shri Rinchen Dorjee to Changlang and Longding Districts of Arunachal Pradesh.

The Arunachal Pradesh Information Commission, under the leadership of the Honourable Chief Information Commissioner Shri Rinchen Dorjee imparted RTI Awareness in Changlang District on the 10th, 11th and 12th of April, 2023. On 10th April, 2022, the HSCIC met with the Hon'ble Deputy Speaker of Arunachal Pradesh Legislative Assembly, District Administrators and Local Leaders.



The HSCIC also attended the Pongtu festival where he met with NGOs and PRI members on 11/04/2022.

On 12th April, 2022, a formal awareness interaction programme was held with public authorities, PIOs, Officers, Officials, Students, RTI activists at the Conference Hall DC's Office Changlang. On 13th April, 2022, a meeting on importance and implementation of RTI Act 2005 was held at Conference Hall with all the HODs, PIOs, DC, ADC Kanubari. The programme saw active participation from RTI activists.

(ii) Awareness Programme on RTI Act 2005 in Namsai District of Arunachal Pradesh.



A meeting cum interaction on effective implementation of RTI Act 2005 was held with Public Authority, PIOs, and other Government Officers w.e.f. 5th May, 2022 to 8th May, 2022 in Namsai District. The programme saw attendance from PRI, GBS, Intellectual members, students, RTI activists. Eighty participants participated actively and made the interaction meaningful and purposeful in true sense.

(iii) Awareness Programme on RTI Act, 2005 at Seppa District of Arunachal Pradesh

Shri Rinchen Dorjee, the Hon'ble State Chief Information Commissioner visited Seppa in order to spread awareness on RTI Act, 2005. On 10/09/2022, the HSCIC interacted with the Nyishi Elite Organisation, School & College Teachers at UD Guest House Hall, Seppa. The HSCIC also visited the "Nyibu Nyurab Yerko" the institution of Traditional Education at Rang Village and interacted with the students and teachers of the institution.

On 11/09/2022, the HSCIC attended the Universal Brotherhood Day at V.K.V. Wessang where he interacted on the RTI Act 2005 with the Hon'ble MLA, Local Leaders, Parents and Teachers.

(iv) Awareness Programme on RTI Act, 2005 at Yingkiong, Upper Siang District of Arunachal Pradesh on 2nd & 3rd November, 2022

Km. Sonam Yudron, the Hon'ble State Information Commissioner visited Yingkiong, district headquarter of Upper Siang and conducted an awareness Campaign on RTI Act, 2005.



SIC Yudron holds 'awareness program' on RTI Act

PASIGHAT, Nov 4: State Information Commissioner Sonam Yudron carried out a one-day awareness-cum-interaction programme on RTI Act for the PIOs, APIOs and public representatives of East Siang district at the Siang guest house here today.

Through a PPT, the SIC dwelt on various sections of RTI Act, and also highlighted the role and responsibility of PIOs and APIOs while discharging their duties under the Right to Information Act, 2005.

RTI Act was enacted in 2005 and amended in 2019 for citizens to secure access to

information under the control of public authorities in order to promote transparency and accountability, she said, adding after its implementation there are still many "challenges" pertaining to RTI Act.

Yudron urged the PIOs and APIOs to be very informative regarding the RTI Act and also responsive while furnishing information to the appellant. She also requested the RTI appellants to work for betterment of public cause and "development" rather than misusing RTI for individual benefits and harassing officers/officials for their personal grudge.

Local MLA Ninnong Ering also attended the programme. While encouraging the public about the RTI Act, he said that RTI is a tool that makes administration more accountable to the people. Hence, he appealed to the public to be aware and act accordingly.

East Siang DCT Taggu, in his address, urged the PIOs and APIOs to avail "best knowledge" from this awareness program. He also added that the RTI Act enables transparency and accountability of govt offices and it is also an important tool for common citizens to access information. (DIPRO)

(v) Participation of Arunachal Pradesh Information Commission in the 15th Annual Convention of Central Information Commission at Vigyan Bhawan, New Delhi on 9th November, 2022.



Shri Rinchen Dorjee, Hon'ble Chief Information Commissioner represented APIC at the 15th Annual Convention at Vigyan Bhawan, New Delhi in the presence of Shri Om Birla, Hon'ble Speaker, Lok Sabha and Dr. Jitendra Singh, Hon'ble Mos for PMO.



Shri Gumjum Haider, HSCIC APIC along with Shri AP Raut, HSCIC Assam, Shri Oinam Sunil Singh, HSCIC Manipur, Shri Amrutbhai Patel, HSCIC Gujarat, Shri H. Nongpluh, HSCIC Meghalaya, and Shri Samudra Gupta Kashyap, HSCIC Assam for 15th Annual Convention of Information Commissions in India in Vigyan Bhawan, New Delhi.

- (vi) **Participation of State Information Commissioners Shri Goto Ete and Shri Genom Tekseng at NFICI's 26th BOG & 15th SGB Meeting at Goa on 16th and 17th November, 2022.**



Arunachal Pradesh Information Commissioners Shri Goto Ete & Shri Genom Tekseng meeting Shri Sumit Mullick, Hon'ble Chief Information Commissioner, Maharashtra Information Commission and Shri Sunil Porwal, Hon'ble Information Commissioner, Maharashtra Information Commission and on their way to Goa for attending NFICI's 26th BOG & 15th SGB Meeting.

(vii) RTI Awareness Programme at Luchi Village under Maro Circle of Upper Subansiri District.

Shri Gumjum Haider, Hon'ble Information Commissioner on 25/03/2023 conducted an RTI, Act 2005 awareness programme at Luchi Village under Maro Circle, Upper Subansiri District. It saw attendance from PRI members and RTI Activists under that Circle.

(viii) RTI Awareness Programme at Daporijo, Upper Subansiri District.



Shri Gumjum Haider, Hon'ble Information Commissioner on 12/04/2023 conducted an RTI Act, 2005 awareness programme at Daporijo, Upper Subansiri District. The awareness programme was specially conducted for the RTI Activist Association of Arunachal Pradesh. The programme saw massive attendance from all the RTI activists.

(ix) Meeting of the State Information Commissioners with the Governor of Arunachal Pradesh.

The Governor of Arunachal Pradesh Shri B.D Mishra, Hon'ble Ld. Governor of Arunachal Pradesh called upon Shri Rinchen Dorjee, Hon'ble State Chief Information Commissioner and Shri Goto Ete, Shri Genom Tekseng and Shri Gumjum Haider, State Information Commissioners to discuss on the proper implementation of RTI Act, 2005 in Arunachal Pradesh on 10th August 2022.



Governor advises CIC to create public awareness on RTI Act

August 10, 2022



ITANAGAR, 9 Aug: Governor BD Mishra advised Chief Information Commissioner (CIC) Rinchin Dorjee to conduct mass awareness campaigns and seminars at state, district and sub-division

(x) RTI awareness Campaign in West Kameng District.



The Arunachal Pradesh Information Commission in coordination with All Arunachal RTI Activists Association organized RTI Act, 2005 awareness campaign in West Kameng under the motto 'Right to fight against corruption'.

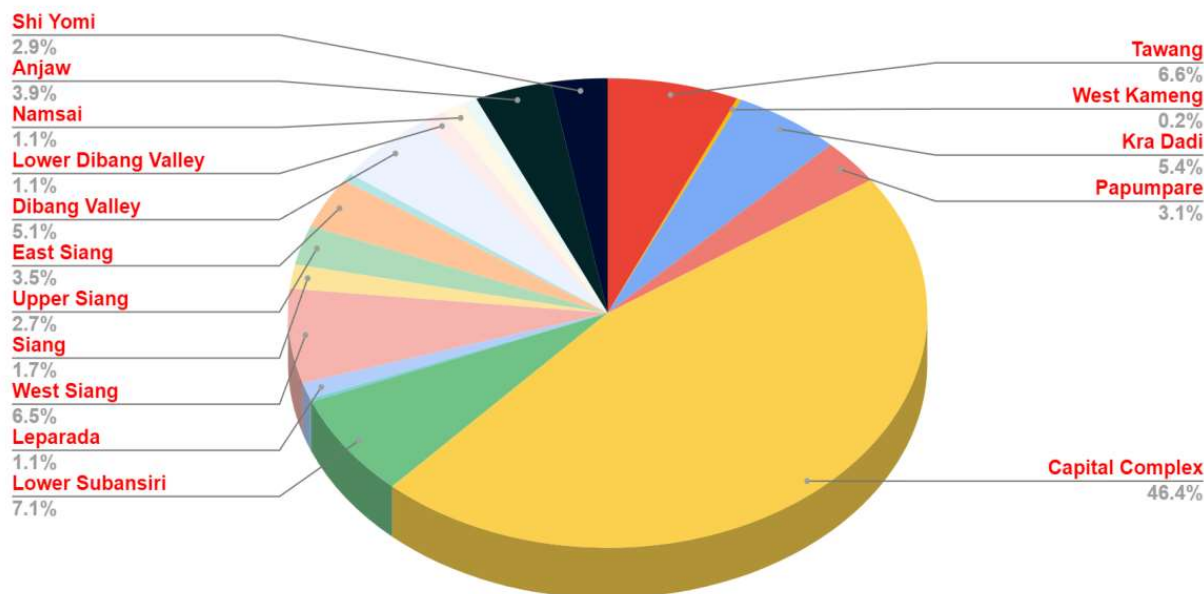
(5) Annual Account of the Commission**Major Head 2070 OAS, Demand No. 67 (2022-23)***(₹ In Thousand)*

Item	Head of Account	Total Allotment	Expenditure
DDO Code	2-3-0-0-0-0-2		
Major Head	2070 OAS		
Sub Major Head	00		
Minor Head	105 Special Commission of Inquiry		
Sub Head	01-Establishment Expenses		
Detail Head	00		
Object Head	01-Salary	31400	28581
	02-Wages	4296	4295
	11-Domestic Traveling	1000	998
	13-Office Expenses	18600	18599
	16-Publication	NIL	
	20-OtherAdministrative Expensive	NIL	
	27-Minor Work	2500	2500
	28-Professional Service	400	397
	06 - MT	30	30
	30-Other Contractual Services	504	
	50- Other Charges	7500	7499
Detailed Head-01	13- Office Expenses (POL)	800	799
Detailed Head-02	01- Salaries (LTC)	200	198
	Total	67230.00	64388.00

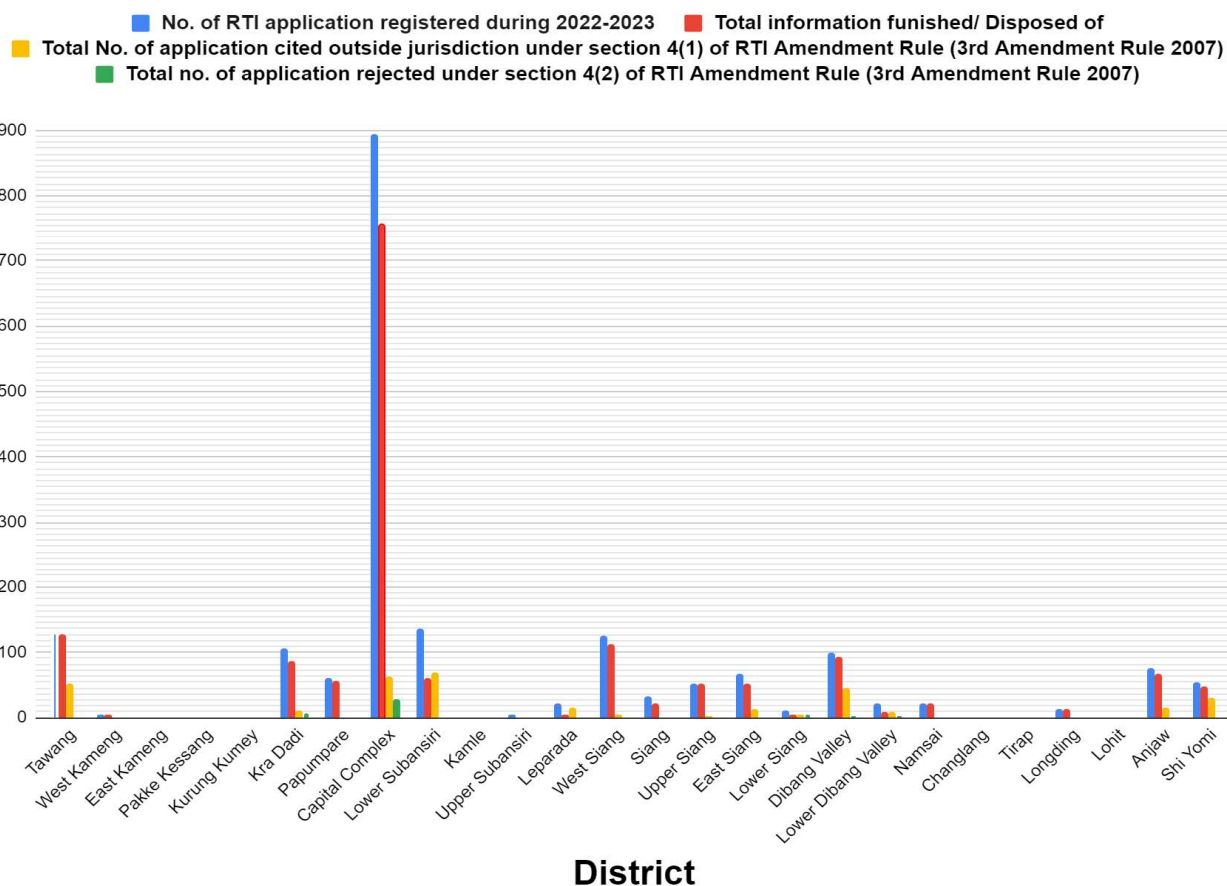
(6) Periodical Report regarding effective implementation of RTI Act, 2005 in the districts of Arunachal Pradesh for the year 2022-23.

District	No. of RTI application registered during 2022-2023	Total information furnished/ Disposed of	Total No. of application cited outside jurisdiction under Section 4(1) of RTI Amendment Rule (3rd Amendment Rule 2007)	Total no. of application rejected under section 4(2) of RTI Amendment Rule (3rd Amendment Rule 2007)
Tawang	128	127	51	0
West Kameng	4	4	0	0
East Kameng	0	0	0	0
Pakke Kessang	0	0	0	0
Kurung Kumey	0	0	0	0
Kra Daadi	105	87	12	7
Papumpare	60	56	1	1
Capital Complex	894	755	62	28
Lower Subansiri	136	61	69	1
Kamle	0	0	0	0
Upper Subansiri	4	0	0	0
Leparada	22	4	16	0
West Siang	125	112	4	1
Siang	32	22	0	0
Upper Siang	52	52	2	0
East Siang	68	52	14	0
Lower Siang	11	5	4	4
Dibang Valley	99	92	45	3
Lower Dibang Valley	22	8	8	2
Namsai	22	22	0	0
Changlang	0	0	0	0
Tirap	0	0	0	0
Longding	14	14	0	0
Lohit	0	0	0	0
Anjaw	75	68	16	0
Shi Yomi	55	47	30	0
TOTAL	1928	1588	334	47

RTI APPLICATIONS RECEIVED IN THE DISTRICTS



District-wise RTI applications registered, disposed, cited outside jurisdiction & rejected

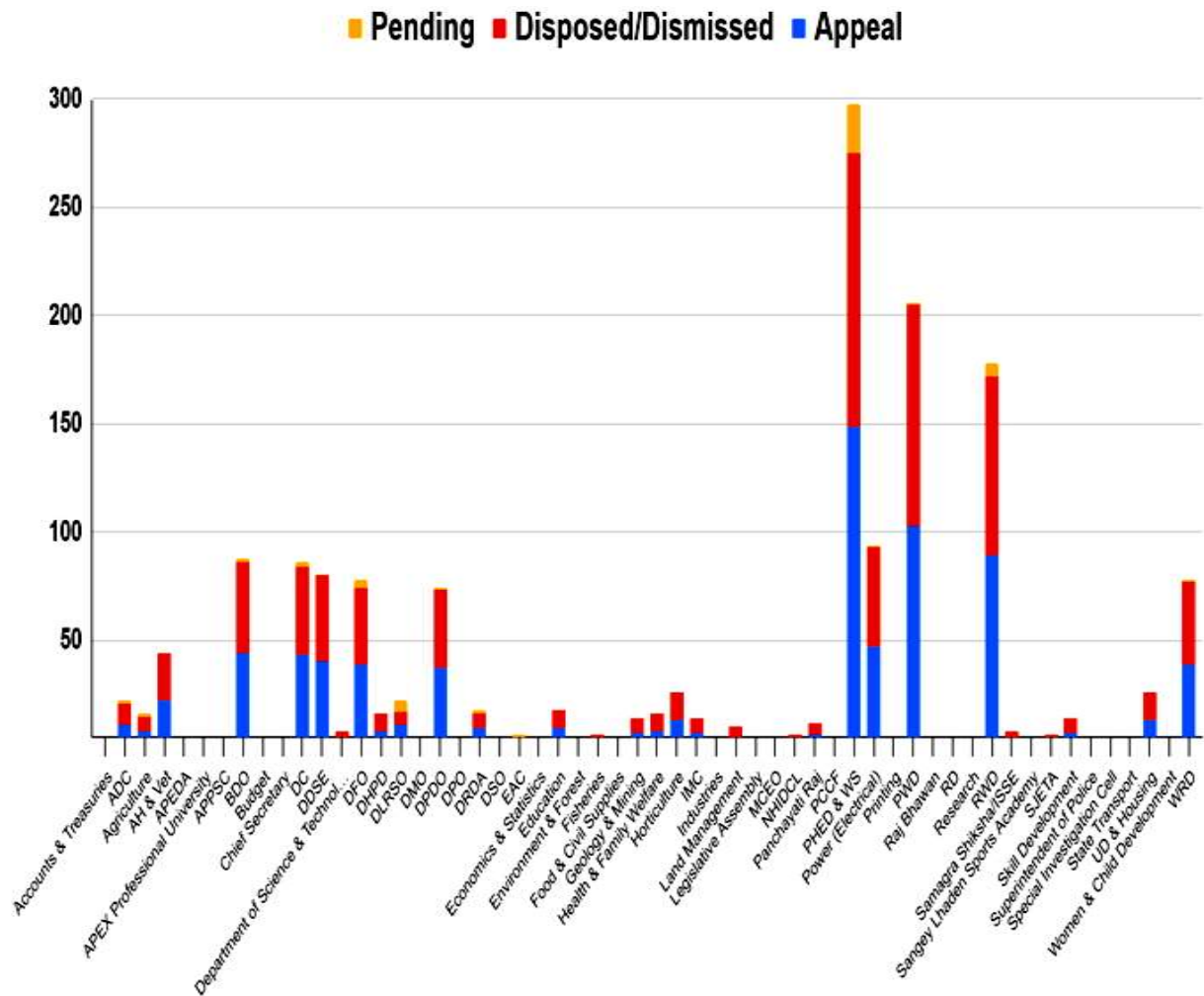


Comparative display of No. of RTI request received, furnished/disposed of, cited outside jurisdiction and rejected by all the districts of Arunachal Pradesh.

(7) Complaint U/S 18(1) and Second Appeal U/S 19(3) of RTI Act, 2005 implemented by the Arunachal Pradesh Information Commission in the Year 2022-23.

Sl. No	Name of the Public Authority	Complaint	Appeal	Disposed/Dismissed	Pending
1.	Accounts & Treasuries	0	1	1	0
2.	ADC	0	11	10	1
3.	Agriculture	0	8	7	1
4.	AH & Vet	0	22	22	0
5.	APEDA	0	1	1	0
6.	APEX Professional University	0	2	0	2
7.	APPSC	0	2	1	1
8.	BDO	0	44	42	2
9.	Budget	0	1	1	0
10.	Chief Secretary	0	1	1	0
11.	DC	0	43	41	2
12.	DDSE	0	40	40	0
13.	Department of Science & Technology	0	4	4	0
14.	DFO	0	39	35	4
15.	DHPD	0	8	8	0
16.	DLRSO	0	11	6	5
17.	DMO	0	1	1	0
18.	DPDO	0	37	36	1
19.	DPO	0	2	2	0
20.	DRDA	0	9	7	2
21.	DSO	0	1	1	0
22.	EAC	0	3	2	1
23.	Economics & Statistics	0	1	1	0
24.	Education	0	9	9	0
25.	Environment & Forest	0	1	1	0
26.	Fisheries	0	3	3	0
27.	Food & Civil Supplies	0	1	1	0
28.	Geology & Mining	0	7	7	0
29.	Health & Family Welfare	1	7	8	0
30.	Horticulture	0	13	13	0

31.	IMC	0	7	7	0
32.	Industries	0	1	1	0
33.	Land Management	0	5	5	0
34.	Legislative Assembly	0	1	1	0
35.	MCEO	0	1	1	0
36.	NHIDCL	0	3	3	0
37.	Panchayati Raj	0	6	6	0
38.	PCCF	0	2	2	0
39.	PHED & WS	2	147	126	23
40.	Power (Electrical)	0	47	46	1
41.	Printing	0	1	1	0
42.	PWD	2	101	101	2
43.	Raj Bhawan	0	1	1	0
44.	RD	0	1	1	0
45.	Research	0	1	1	0
46.	RWD	0	89	83	6
47.	Samagra Shiksha/ISSE	0	4	4	0
48.	Sangey Lhaden Sports Academy	0	1	1	0
49.	SJETA	0	3	3	0
50.	Skill Development	0	7	7	0
51.	Superintendent of Police	0	1	1	0
52.	Special Investigation Cell	0	1	1	0
53.	State Transport	0	1	1	0
54.	UD & Housing	0	13	13	0
55.	Women & Child Development	0	2	2	0
56.	WRD	0	39	38	1
	Total	5	819	770	55



The chart provides a comprehensive visual representation of the number of appeals received, appeals disposed/dismissed, and pending cases across various Public Authorities.

PHED & WS (Public Health Engineering Department & Water Supply) has the highest number of cases overall. It shows a significant number of appeals received, many of which have been disposed of, but there are still pending cases.

Power (Electrical) also has a high volume of cases with a substantial number of appeals received and disposed of, along with pending cases.

APPSC (Arunachal Pradesh Public Service Commission) shows a moderate number of appeals, with a balanced proportion of disposed and pending cases.

Fisheries and Health & Family Welfare have a notable number of cases, showing effective handling with a significant portion of appeals disposed of but still have some pending cases.

Accounts & Treasuries, Budget, Economics & Statistics, Food & Civil Supplies, Legislative Assembly are the public authorities with a relatively low number of cases. Most of their appeals have been disposed of, with very few pending.

(8) Status of Complaints registered with the Arunachal Pradesh Information Commission in the year 2022

Sl. No.	Year 2022	Total
1.	Total Complaint Registered	5
2.	Total Complaint Disposed	4
3.	Total Complaint Pending	1

(9) Status of Second Appeal Cases registered with the Arunachal Pradesh Information Commission in the year 2022

Sl. No.	Year 2022	Total
1.	Total Second Appeal Cases Registered	819
2.	Total Second Appeal Cases Disposed	765
3.	Total Second Appeal Cases Pending	54

(10) Total Penalty & Compensation Paid by the Public Authorities in the year 2022

1.	Total Penalty Amount Paid	₹ 5,00,000
2.	Total Compensation Amount Paid	₹ 55,000

(11) Arrest Warrant, Disciplinary Action taken against the Public Authorities in the year 2022

1.	Total No. of Arrest Warrant issued	Nil
2.	Total No. of disciplinary action taken	Nil

(12) Status of Writ Petition filed against the decision of the Commission before the Gauhati High Court

Sl. No.	Name of Cases	Status of the Case
1.	WP(C)No.77 (A.P)/2020 Shri Mibong Borang Vs the State of A.P & 5 Ors.	Pending
2.	WP(C)No.46 (A.P)/2017 Shri Nyage Geyi – Vs - the APIC & ors.	Disposed Of
3.	WP(C)No.295(A.P)/2019 Shri Rojum Tayeng Vs the State of A.P & Ors	Pending
4.	WP(C)No.341(A.P)/2019 Shri Rojum Tayeng Vs the State of A.P & Ors.	Pending
5.	WP(C)No.129 (A.P)/2018 Shri Dagbom Riba – Vs – the State of A.P & ors.	Disposed Of
6.	WP(C)No.217(A.P)/2018 PIO, RWD Vs the State of APIC & Anr.	Pending

7.	WP(C)No.327(A.P)/2015 Shri Gyamar Tachung Vs the APIC.	Pending
8.	WP(C)No.369(A.P)/2020 Rama Krishna Mission School, Aalo Vs the APSIC & Ors.	Disposed Of
9.	WP(C)No.101(A.P)/2020 APPSC Vs the APIC.	Pending
10.	WP(C)No.425(A.P)/2021 Jobuk Palon Vs APIC & 7 Ors.	Pending
11.	WP(C)No.354/2021 M/s Agam Construction Vs the APIC & Ors.	Pending
12.	WP(C)No.355/2021 M/s Purvanchal Enterprises Vs the APIC & Ors.	Pending
13.	WP(C)No.144/2022 M/s M.B Enterprises Vs the APSIC & 4 Ors.	Pending
14.	WP(C)No.145/2022 M/s J.B Enterprises Vs the APSIC And 4 Ors.	Pending
15.	WP(C)No.197/2022 Miss Gamborn Diyum Vs the APIC & Ors. India & Ors.	Pending
16.	WP(C)No.180/2022 M/s Agam Construction Vs the APIC and 3 Ors.	Pending
17.	WP(C)No.577/2023 Apex Professional University & Anr. Vs the State of AP & 5 Ors.	Pending
18.	WP(C)No.455/2023 Shri Tashi Sona Vs the APIC & 2 Ors.	Pending
19.	WP(C)No.354/2023 Tanyang Tajo Vs the APIC & 2 Ors.	Pending
20.	WP(C)No.191/2023 Mirik Bagra Vs the APIC & 2 Ors.	Pending
21.	WA.No.14/2023 Mirik Bagra Vs the APIC & 2 Ors.	Disposed Of
22.	WP(C)No.507/2023 Vijay Kumar Tilak Vs the APIC & 2 Ors.	Pending

(13) Recommendation of the Commission to the Government

As per Section 25 (3)(g), the Commission would like to reiterate the following recommendation to the Government of Arunachal Pradesh for effective implementation of the RTI Act in the state.

REGULAR REPORT RETURN FROM PUBLIC AUTHORITIES

Although Sub-Sections (2) and (3) of Section 25 of the RTI Act mandate that each Ministry and Department in relation to the Public Authorities within their jurisdiction, shall collect and provide such information to the State Information Commission, as is required to prepare the Annual Report. The State government, through the nodal department should direct all the PIOs to submit the quarterly report & periodical report regarding effective implementation of RTI Act, 2005 of the Public Authority regularly.

INADEQUATE PERFORMANCE OF THE FIRST APPELLATE AUTHORITY

As per Section 19(1), Any person who does not receive decision within the time specified or aggrieved by the decision of the State Public Information Officer (SPIO), may within 30 days from the expiry of such period or from the receipt of such a decision, prefer an appeal to such officer who is senior in rank to the State Information officer in each public authority.

It has been observed that this provision of First Appellate Authority is being done by a very few public authorities and most of the First Appellate Authorities do not function in the state so much so that, the department of Administrative Reform (AR) the nodal department, has not yet brought out the Rules on the First Appellate Authority.

For effective implementation of the Act, the provision of the First Appellate Authority (FAA) is to be complied with strictly. For this, the appropriate initiative is required from the nodal department of the government.

PROACTIVE DISCLOSURE

As per Section 4 of the RTI Act, it is the obligation of every Public Authority to disclose certain information on Suo Motu basis as laid down under sub-section (1) of the Section.

As per Sub Section (2) of the Section, it shall be a constant endeavor of every Public Authority to take steps in accordance with the requirements of the clause (b) of the Section 1 to provide as much information Suo-Motu to the public at regular intervals through various means of communication including internet, so that public have minimum resort to the use of the Act to obtain information.

It has been observed that most of the Public Authorities are not strictly complying with the provisions of the Section by proactive disclosure of the activities undertaken by the Public Authority. It is also observed that many of the Public Authorities do not have a website containing up to date information. If more and more Suo-Motu disclosure is made by the Public Authorities, undoubtedly there would be less and less people to resort to the Act for seeking information. Therefore, the Commission recommends that the Chief Secretary of the State should direct all the Public Authorities of the state to comply with the provisions of the Act strictly.

PHOTO GALLERY



Shri Rinchen Dorjee
STATE CHIEF INFORMATION COMMISSIONER
Mobile No. - 8732828044



Shri Goto Ete
STATE INFORMATION COMMISSIONER (retd)
Mobile No. – 8794259266



Shri Genom Tekseng
State Information Commissioner
Mobile No. - 9436040171



Km. Sonam Yudron
State Information Commissioner
Mobile No. - 7431815780



Shri Gumjum Haider
State Information Commissioner
Mobile No. - 9436040637



Shri Habung Donyi
APCS, Secretary-cum-Registrar
From 01/03/2021 to 05/12/2022
Mobile No. - 7005928102



Shri Taro Mize,
APCS, Secretary-cum-Registrar
From 15/12/2022 till date
Mobile No. - 9862512298



Smti Maman Padung,
APCS, Deputy Registrar
From 9/3/2017 till date
Mobile No. - 9436046333



Shri Jacob Lego,
Finance & Accounts Officer
From 11/12/2020 to till date
Mobile No. - 9436041001



Shri S.N Mosobi, the IGP Arunachal Pradesh, Shri Rinchin Dorjee Mosobi, the Rtrd. Wing Commander, Indian Air Force, Shri Gumjum Haider, Hon'ble State Information Commissioner, Shri Rinchin Tashi, IAS Rtrd. Hon'ble CEO State Election Commission, Arunachal Pradesh, Ms. Sonam Yudron, the Rtrd. DIG, Hon'ble State Information Commissioner, Arunachal Pradesh, Justice Indira Shah, the Hon'ble Chairperson, State Human Rights Commission, Arunachal Pradesh, Shri Rinchin Dorjee, former Chairman APPSC and the Hon'ble SCIC Arunachal Pradesh, Prof. Pradeep Lingfa, the Hon'ble Chairman APPSC, Shri Bamang Tago, the Hon'ble Member, State Human Rights Commission, Arunachal Pradesh, Shri Yeshe Tsering, IAS Rtrd. former Chief Secretary Meghalaya, Hon'ble Member Lokayukta, Arunachal Pradesh, Col. Koj Tari, Hon'ble Member APPSC, together at Raj Bhawan, Itanagar, on the auspicious occasion of 75th Republic Day of India.



Arunachal Pradesh Information Commission celebrated its 1st ever annual picnic on 23rd January, 2022.



Staff of Arunachal Pradesh Information Commission preparing for Republic Day, 2023



Flag hoisting by Shri Rinchen Dorjee, HSCIC, APIC in on Republic Day, 2023.



The APIC family lovingly bid farewell to Shri Habung Donyi, APCS, former Secretary-cum-Registrar, APIC on 5th December, 2022 in the presence of the Chief Information Commissioner, all State Information Commissioners and the entire APIC Officials and Staff.



Arunachal Pradesh Information Commission has undergone significant infrastructural upgrades, including the construction of a new entrance gate.

(14) Some of the significant orders/decisions of the Commission

**ARUNACHAL PRADESH INFORMATION COMMISSION (APIC),
ITANAGAR, ARUNACHAL PRADESH**

(Before the Hon'ble Commissioner Mr. Genom Tekseng)



APIC-No.794/2022 (Appeal)

Shri Tania June & Shri Nikam Dabu, C/O
Hotel Chandini, E-Sector Naharlagun,
Papum Pare District, Arunachal Pradesh. (M)
8131848230
Pin: 791110.

Appellant

-Versus-

The PIO-cum-DFO, Daporijo,
Upper Subansiri District, Arunachal Pradesh.
Pin: 791122

Respondent

Date of hearing: 08.12.2023.

Date of decision: 08.12.2023.

FACTS OF THE CASE:

The appellant filed an RTI application dated 22.09.2022 seeking information relating to appointment of Group 'C' & 'D' staff in the district. The respondent PIO did not reply to the RTI application. The appellant then filed a First Appeal dated 28.10.2023. The First Appellate Authority (FAA) order, if any, is not available on record. Feeling aggrieved and dissatisfied, the appellant approached the commission with the instant Second Appeal.

RELEVANT FACTS EMERGING DURING THE HEARING :

After receipt of the second appeal notices were issued to the parties to appear on 24-02-2023.

Both the PIO and the appellant did not appear on 24.02.2023. However, Shri T. Maro, APIO appeared on 24.02.2023 and submitted that information was furnished to the appellant vide letter dated 05.11.2023. The appellant was not present to contest the submission of the APIO. Because the absence of the appellant hearing could not be concluded, hence, the case was adjourned to 21.04.2023 which was again adjourned to 16.06.2023 due to absence of both the parties during the hearing.

The appellant appeared on 16.06.2023 and denied having received the information and the letter dated 05.11.2023. The PIO was represented by Shri **Takek Maro (RFO)**. The hearing was adjourned to 04.08.2023 with direction to the PIO to furnish the information within 15 days and send an Action Taken Report to the Commission. Due to the absence of the parties on 04.08.2023, the case was again adjourned to 06.10.2023.

The appellant appeared on 06.10.2023 and submitted and PIO did not provide requisite information in spite of the commission directions. One Shri Tarek Maro who described himself as Dy. FR appeared on behalf of the PIO. Shri T. Maro submitted that sought information has already been provided by the appellant vide letter dated 05.11.2022. He has also stated that DFO, Daporijo is not the appointing authority and hence, no appointment was made to the post of UDC, LDC, Peon or group-B etc by the DFO, Daporijo. The Commission after hearing the submissions made by the parties present directed the PIO to comply with the orders dated 16.06.2023, 04.08.2023 and 06.10.2023 and compliance report containing detailed point-wise reply by 25.10.2023. Hearing was adjourned to 08.12.2023.

DECISION :

None appears before the commission. However, the commission has received a letter dated 05.12.2023 from the appellant wherein he has informed that the PIO has furnished complete information and expressed satisfaction regarding information furnished by the PIO. Keeping in view the facts of the case and the written submission received from the appellant, the commission is of the opinion that complete information, though late, has been provided by the respondent PIO. The appellant has also shown satisfaction with the information provided. Hence, no further intervention of the commission is required in the matter. **The instant appeal stands disposed of accordingly.**

Copies of this order be supplied to the parties.

Sd/-
(Genom Tekseng),
Information Commissioner,
Arunachal Pradesh Information Commission,
Itanagar.



ARUNACHAL PRADESH INFORMATION COMMISSION (APIC) ITANAGAR

BEFORE THE COURT OF SHRI RINCHEN DORJEE,
STATE CHIEF INFORMATION COMMISSIONER

Case No. APIC-263/2022

Dated Itanagar, the 20th December 2022

CASE DETAILS

Adjunct Date : 20th December 2022
 Decision No. : APIC-263/2022 decided on 20th December 2022
 Appeal No. : APIC-263/2022
 Bench : Shri Rinchen Dorjee
 Appellant : Shri Tamchi Tamak
 Respondent : The PIO-cum-EE (Electrical), Sagalee Division, Arunachal Pradesh.

ORDER

This is an appeal under Section 19(3) of the RTI Act, 2005 received from Shri Tamchi Tamak, Near Government Primary School, Last Damsite, Naharlagun, Papumpare District, A.P., for non-furnishing of information by the PIO-cum-EE (Electrical), Sagalee Division, Arunachal Pradesh. The application in Form "A" was filed by the appellant under Section 6(1) of the RTI Act, 2005 on 13/12/2022 regarding C/o renovation of the 33 kV line from Yupia to Sagalee.

Whereas, the rescheduled first hearing was held on 6th September 2022 at 10:30 hrs. The PIO-cum-EE (Electrical), Sagalee Division, Arunachal Pradesh, and appellant Shri Tamchi Tamak are found absent during the hearing. As, both the parties were absent, the hearing could not take place.

Whereas, the Commission viewed seriously the absenting of the PIO from performing the statutory duty without any prior intimation. If the PIO is found absent on the next date of hearing, the Commission may be compelled to impose a penalty of ₹ 25,000/- (Rupees twenty-five thousand only) under Section 20(1) of the RTI Act, 2005 and the same shall be published in the widely circulating newspaper with the name and designation of the PIO. Further, if the Appellant fails to appear in the next date of hearing without any prior intimation or any reasonable reasons, the Commission shall dispose of the case presuming that the Appellant is no more interested in the information as sought by him to the PIO.

Whereas, the Commission had fixed the date of the 2nd hearing on 18th October, 2022 but due to unavoidable circumstances the date has been rescheduled to 15th November, 2022

(Tuesday) at 10:30 hrs in the Hon'ble Court of Shri Rinchen Dorjee, the State Chief Information Commissioner, Arunachal Pradesh Information Commission, Itanagar.

Whereas, the re-scheduled 2nd hearing was held on 15th November 2022 at 10:30 hrs. The PIO-cum-(Electrical), Department Sagalee Division, Arunachal Pradesh, and the Appellant Shri Tamchi Tamak were found absent again during the hearing.

Whereas, the Commission observed that the PIO has remained absent consistently inspite of the warning under Section 20(1) of the RTI Act, 2005. Hereby, the PIO is directed to explain in writing to the Commission as to why a penalty under Section 20(1) of the RTI Act should not be imposed on him for continuously absents in performing the statutory duties without intimation. The Commission shall be compelled to issue an arrest warrant under Section 18 of the RTI Act to compel the attendance of the PIO in the Court. The Commission also gives a reasonable last opportunity to the Appellant and decides to fix one more date of hearing if the Appellant is no more interested in the information.

The 3rd hearing is held today on 20th December 2022 as scheduled. The PIO-cum-EE (Electrical) is present and the Appellant is absent. The PIO has come with the records and informed the Commission that the Appellant has not been cooperating with him in receiving the information copies. The Appellant has been made aware via audio call during the hearing by the Commission and informed about his repeated absences from the court hearing. The Commission informed him that in such a situation the Commission intends to dispose of and close his appeal against not being interested in pursuing the APIC-263/2022, which he agreed upon.

In view of the above, this part has been disposed of and closed.

Sd/-
(Shri Rinchen Dorjee),
State Chief Information Commissioner,
Arunachal Pradesh Information Commission,
Itanagar.



ARUNACHAL PRADESH INFORMATION COMMISSION (APIC) ITANAGAR

(BEFORE THE HON'BLE COURT OF SHRI GUMJUM HAIDER, STATE
INFORMATION COMMISSIONER)

No. APIC-327/2022

Dated, Itanagar the 16th August, 2022

Under Section 19(3) RTI Act, 2005

Appellant:

PIO-cum-EE, PHE
WSD, Itanagar Division,
Arunachal Pradesh.

Respondent:

Shri Tok Changsang
Village – Rupung, Balijan,
Arunachal Pradesh.

ORDER

Whereas, an appeal under section 19(3) of RTI Act, 2005 was received from Shri Tok Changsang, Village – Rupung, PO/PS – Balijan, Arunachal Pradesh, for non-furnishing of information by the PIO-cum-EE, PHE, Water Supply Department, Itanagar Division, Arunachal Pradesh, as sought for by the appellant under section 6(1) of RTI Act, 2005.

Brief facts of the case being that the appellant on 04.02.2020 filed an RTI application under 'Form-A' before the PIO, whereby, seeking various information regarding:

“Details regarding execution of work for C/o Individual Household Latrine (IHHL) under Sangdupota circle of Papum Pare district”.

The above subject has been mentioned in detail under 'Form-A'.

Whereas, the 1st hearing was held on the 25th day of May' 2022. The Appellant was present but the PIO was absent. The PIO was represented by his representative. Heard both the parties. The representative of the PIO furnished all the information sought by the appellant

before the Court itself. The Court directed the appellant to receive the documents and go through it. The appellant received the same and prayed before the Court to grant a few days' time to go through the same. The Court granted the same and directed the appellant to inform his redressals of satisfaction/dissatisfaction of the documents received on or before the next date of hearing. Accordingly, the next date of hearing was fixed on the 15th day of June, 2022. Whereas, the 2nd hearing was held on 15th May, 2022. The appellant was present but the PIO was absent. Mr. Ngurang Kasuh represented the PIO. Heard both the parties. The appellant informed the Court that he hasn't received all the documents from the PIO. The Court directed the representative of the PIO to finish all the left-out information to the appellant within one week time with C.T.C of all documents for authenticity. Further the Court also directed that the correct figure should be provided to the appellant within the next date of hearing. Accordingly, the Court fixed the next date of hearing for the case on 06'h day of July' 2022.

Whereas, the 3rd hearing was held on 6th July, 2022. Both the appellant and APIO were present. Heard both the parties. The APIO furnished the left-out documents as sought earlier by the appellant in the Court itself. The appellant received the same and after going through the documents the appellant informed the Court that the signature of the particular person who signed during the disbursement of cash wasn't ascertained. As such, the Court directed the APIO to ascertain the signature as told by the appellant. Regarding the Signature the APIO informed the Court that appellant himself can also verify the signature by consulting with the local elected representative of the concerned area. Accordingly, the Court fixed the next date of hearing on the 10th day of August, 2022.

Whereas, the 4th hearing was held on 10th August, 2022. Both the parties were present. Heard both the parties. The appellant informed the Court that he had received the left-out documents from the PIO and further expressed his satisfaction for all the documents received and pleaded before the Court for disposal of the same. In this view, the Court termed the case fit to be disposed of and further directed to dispose of the case. Therefore, no such hearings for this case will be entertained further in the Commission's Court.

Considering all the above aspects into account, I find this appeal fit to be disposed of as in fructuous. And, accordingly, this appeal stands disposed off and closed for once and for all. Each copy of this order disposing the appeal is furnished to the parties. Given under my hand and seal of this Commission's Court on this 7th day of August, 2022.

Sd/-
(Shri Gumjum Haider),
State Information Commissioner,
Arunachal Pradesh Information Commission,
Itanagar.



**ARUNACHAL PRADESH INFORMATION COMMISSION (APIC)
ITANAGAR**

No. APIC/SY/PR-15/2021 Dated Itanagar, the 15th December, 2022.

To,

The Director,
IPR, Govt. of Arunachal Pradesh, Naharlagun,
District-Papum Pare, Arunachal Pradesh.

Subject : PRESS RELEASE.

The Commission invoked Section 20(1) of Right to Information Act' 2005 vide judgment dated 5th December, 2022 and imposed penalty to the tune of ₹ 25,000/- (Rupees twenty-five thousand) only to PIO-Cum-Deputy Director, ICDS East Kameng District, Seppa, Arunachal Pradesh and also have to Compensate of ₹ 5,000/- (rupees five thousand) only to the Appellant Shri Mamu Sono for the monetary losses incurred on to and fro journey expenses due to delaying in furnishing of information which caused harassment to the appellant, in connection with appeal Vide No. APIC-156/2022 for neglecting and refusal in furnishing the information to the Appellant and defying the directions/order of the Commission.

Therefore, he is directed to deposit the penalty amount in favour of "Registrar, Arunachal Pradesh Information commission, Itanagar" Head Account No. 0070'; and deposit his payment challan to the Commission for final disposal of the appeal. His failure to comply with this order, the commission might recommend disciplinary action as per service rule under Section 20 (2) of RTI Act of 2005, against the PIO.

Sd/-
(Sonam Yudron),
State Information Commissioner,
Arunachal Pradesh Information Commission,
Itanagar.



**ARUNACHAL PRADESH INFORMATION COMMISSION (APIC)
ITANAGAR**

(Before the Hon'ble Commissioner Mr. Genom Tekseng)

AN APPEAL UNDER SECTION 19 (3) OF RTI, ACT, 2005

APIC-No 349/2022(Appeal)

Appellant - Shri Tanyang Tajo, Private Residence, Papu Hill Colony, Near Mobile Tower, Tinali Naharlagun, Papum Pare District Arunachal Pradesh, (M) 7640971911.
Pin : 791110.

Vs

Respondent - The EE-Cum-PIO, -o/o the Executive Engineer (PIU-II) RWD, Chayang-Tajo Division East Kameng District, Govt. of Arunachal Pradesh. Pin : 791111

Date of hearing: 23-06-2023

Date of decision: 23.06-2023

FACTS OF THE CASE:

The appellant filed an RTI application dated 12-01-2022 seeking information relating to PMGSY road from Jeju Dada to Tagang Warrang executed by Rural Works Division, Chayangtajo, East Kameng District A.P. The respondent PIO-Cum-EE, RWD, Chayangtajo did not provide any reply in response to the RTI application. The appellant then filed a First Appeal dated 28-03-2022. First Appellate Authority's (FAA) order, if any, is not available on record. Feeling aggrieved, the appellant approached the commission with the instant Second Appeal.

After receipt of the Second Appeal notices were issued to the parties to appear on 17-06-2022. The appellant appeared on 17-06-2022. The appellant submitted that the respondent PIO did not provide any reply to his RTI application. The respondent PIO did not avail of the opportunity to plead his case in person or through his representative. The commission adjourned the case 26-08-2022 with direction to the respondent PIO to furnish complete information to the appellant.

The appellant appeared on 26-08-2022, however the respondent PIO was not present. The commission adjourned the case on 28-10-2022 with direction to the respondent PIO to comply with the order dated 17-06-2022 passed by the commission. The respondent PIO was also warned that any future violation of the provisions of the RTI Act would result in Penal action against him.

The respondent PIO did not appear on 28-10-2022, while the appellant present informed the commission that the respondent PIO did not provide any information even after repeated directions of the commission. The commission took note of the facts that RTI application was filed on 12-01-2022 but the information was not provided even after lapses of several months. The information was not provided by the respondent PIO in spite of the repeated directions from the commission. The commission also took serious exception to the repeated absence of the respondent PIO on the dates fixed for hearing. For non-compliance, a Show Cause Notice under section 20 (1) was issued by the commission. The respondent PIO was directed to appear on 27-01-2023 along with his reply to the Show Cause Notice. The respondent PIO was absent on 27-01-2023, while the appellant present submitted that the PIO did not furnish information to him. The respondent PIO neither furnished his reply nor appeared before the commission. The act of the respondent was viewed seriously by the commission as it undermines the dignity of the commission. However, the case was adjourned to 17-03-2023 to provide another opportunity of hearing to the respondent PIO.

The appellant appeared on 17-03-2023. The respondent PIO remained absent in spite of having full knowledge and information about the Show Cause Notice. Information was not provided even after the issue of Show Cause Notice by the commission. Various interim orders were passed by the commission from time to time but the respondent PIO did not pay any attention to supply the information to the appellant. No written reply was received in the office of the commission which clearly shows the negligent attitude of the respondent PIO towards the RTI Act. Keeping in view these facts, a penalty of ₹ 25000/- was imposed upon the respondent PIO. The respondent PIO was also directed to furnish complete information to the appellant. Above directions of the commission were to be complied within 17-04-2023. With the above directions, the hearing of the case was adjourned to 19-05-2023. The appellant appeared on 19-05-2023. The respondent PIO neither sent his reply nor appeared before the commission. The commission took grave exceptions to the repeated directions of the Commission. However, in order to give another opportunity of hearing to the respondent PIO, hearing was adjourned to 23-06-2023.

FACTS EMERGING DURING THE HEARING :

The following are present: -

PIO : Respondent PIO is absent.

Appellant: appellant Shri Tanyang Tajo is present

The appellant has submitted that the respondent PIO has not furnished any information to him in spite of order of the commission. The respondent PIO is not present during the hearing. A written reply dated 02-06-2023 has been received from the respondent PIO. In his reply, the respondent PIO has submitted that except order dated 17-03-2023 imposing a penalty of ₹ 25000 on him no other orders of the Commission were received by him and

hence, there was no willful disobedience on his part to comply with the orders and directions of the commission. He has further submitted that sought information cannot be furnished to the appellant as the same is not available with him. He has also submitted an affidavit filed before the Executive Magistrate, Itanagar capital complex wherein it is clearly stated that related documents of the project were not handed over to him by then EE, RWD, Chayangtajo when he took over the charges of the office. He has also paid the penalty amount of ₹ 25000 in SBI, Itanagar, Treasury challan dated 30-05-2023. Copy of the treasury challan has also been received from the respondent PIO.

DECISION

The Commission has carefully considered the written reply submitted by the respondent PIO and perused the record on the case file. The Commission notes that the respondent PIO, in his reply has stated that information sought by the appellant could not be provided to him as the same is not available with him. Further to allay any subsequent apprehension of the appellant the respondent PIO has also filed an Affidavit stating that related document was not handed over him by then EE, RWD, Chayangtajo. He has also deposited ₹ 25000 (twenty-five thousand) in SBI, Itanagar in favour of the commission direction. Keeping in view the facts of the case and submissions of the respondent PIO, the commission observes that no malafide is established on the part of the respondent PIO and no case is made out for taking further action against him. The Commission further observes that the documents, which are not available or which are not under the control of the PIO, cannot be disclosed and resultantly there is no disclosure obligation on the PIO. The commission accepts the explanation of the PIO. No further action lies. The matter is disposed of and closed. Copy of this order be furnished to the parties free of cost.

Sd/-
(Genom Tekseng),
Information Commissioner,
Arunachal Pradesh Information Commission,
Itanagar.



**ARUNACHAL PRADESH INFORMATION COMMISSION (APIC)
ITANAGAR**

**Appeal U/S 19(3) of RTI Act, 2005
No. APIC-705/2022**

**BEFORE THE HON'BLE SINGLE BENCH OF SHRI GOTO ETE,
THE STATE INFORMATION COMMISSIONER**

Appellant :
Shri Samraj Sur Chakma
Maya Sarovar Area, PO: Bodhgaya,
Dist : Gaya, Bihar, Pin-824231.

- VERSUS -

Respondent :
Shri A.J. Lungphi, APCS,
PIO-cum-EAC, Miao Sub-Division, Miao,
Dist : Changlang, Arunachal Pradesh.

Date of judgment/order: 09.03.2023

ORDER

This is the second hearing of the appeal. Mr. A.J. Lungphi, APCS, EAC-cum-PIO of the Mio Sub-Divisional Office of Changlang District is present. Appellant Shri Samraj Sur Chakma is, though not present, has forwarded a letter dated 04.03.2023 through Gmail addressed to the Commission, wherein, informing his inability to appear the hearing in person as a poor person.

This is a Second Appeal filed before the Commission (APIC) by the appellant U/S 19(3) of the RTI Act, 2005. Brief fact of the case that the appellant named above on 08.02.2022 filed an RTI application through a registered post before the PIO of the Office of the EAC, Mio Sub-Division, Changlang District, wherein, seeking as many as 5 (five) specific information. Having not received any response from the PIO-cum-EAC, Miao Sub-Division, within a prescribed period of 30 days the appellant on 21.03.2022 filed the First Appeal before the Addl. Deputy Commissioner, Miao Sub-Division, Changlang District, Arunachal Pradesh, through a registered post with a request for directing the PIO to furnish the information so sought by him. The ADC, Miao, whereupon, vide his letter dated 07.04.2022 asked the appellant to provide proof of his Indian Citizenship for availing the right under RTI Act, 2005. And, in response to the

ADC's letter dated 07.04.2022, appellant on 23.06.2022 sent a photocopy of his Electoral Photo Identity Card (EPIC) to the ADC, Miao, as an Identity Proof of his citizenship. Thereafter, the ADC, Miao, vide his letter dated 30.09.2022 furnished replies to all information sought in RTI application of the appellant stating, inter-alia, that all information so sought by him (appellant) which are the records of more than 35 years back and the same which are not being parts of the list of Handing over and taking over of files of dated 24.01.2007 are not traceable/available in his office. The ADC further vide this letter dated 30.09.2022 communicated to the appellant that his said RTI application has been forwarded to the CF & Field Director, Namdapha National Park & Tiger Reserve Miao Changlang District. Being not satisfied with the replies of the Deputy commissioner the appellant filed the Second Appeal through registered post and, the Registry (APIC), having receipt of the appeal registered it as APIC/705/2022 and processed further for its hearing and disposal. And hence, the second hearing today.

During the hearing, Mr. A.J. Lungphi, EAC of the Miao Sub-Divisional Office, informed the Commission that he is not the PIO of the Miao Sub-Divisional Office. Instead, he is the APIO of the Sub-Divisional Office and represents the PIO-cum-ADC, Miao. According to Mr. Lungphi, the ADC, Miao, is the designated PIO of the Miao Sub-Divisional Office of Changlang District, while the Deputy Commissioner of Changlang District serves as the First Appellate Authority for the ADC of the Miao Sub-Divisional Office.

However, the appellant mistakenly addressed the EAC, Miao Sub-Divisional Office, as the PIO in his RTI application for this case. The EAC clarified that the ADC, Miao, being the designated PIO of the Miao Sub-Divisional Office, has handled all RTI matters related to this office from the beginning up to the current hearing. Mr. Lungphi attended the hearing as a representative of the ADC, Miao.

The EAC submitted on behalf of the ADC, Miao, that the PIO-cum-ADC, Miao Sub-Divisional Office, has duly responded to the appellant's RTI application dated 30.09.2022, which is the subject of the present second appeal. Additionally, the EAC noted that the photocopies of all documents enclosed by the appellant in his appeal are not the documents provided by the PIO-cum-ADC of Miao Sub-Divisional Office. These documents are old records, over 35 years old, and were not available in the PIO's office. As such, these records could not be furnished by the PIO to the appellant. The appellant's application dated 08.02.2022 was transferred to the CF & FD, Namdapha National Park & Tiger Reserve, via a letter dated 26.09.2022 for direct provision to the appellant.

Furthermore, the EAC stated that the appellant, who is seeking this information, has never appeared in person before the PIO. The identity and address details provided in the EPIC by the appellant differ from those mentioned in his application under Form-A, etc.

The appellant, though not present, had all contents of his appeal filed on 17.10.2022, including the contents of his subsequent letters dated 10.02.2023 and 04.03.2022, addressed to the Commission, carefully considered. According to him, he submitted his RTI application dated 08.02.2022 through a registered post addressed to the PIO in the office of the EAC, Miao Sub-Division. However, the PIO did not furnish any of the requested information within the mandatory period of 30 days. Consequently, he filed the First Appeal by registered post on 21.03.2022 before the First Appellate Authority & ADC in the office of the ADC, Miao Sub-Division. Thereafter, he received a letter on 07.04.2022 from the ADC, Miao Sub-Division, requesting him to provide proof of his Indian Citizenship for availing the right under the RTI Act, 2005, and in response to the said letter of the

ADC, he sent his Voter Card No. DCH1317917 issued by the Election Commission of India to the ADC on 23.06.2021. Thereafter, he received two letters from the ADC, informing him that his RTI application had been transferred to the Conservator of Forest & Field Director, Namdapha National Park and Tiger Reserve, Miao Division, for furnishing the information directly to him. Another letter dated 30.09.2022 from the ADC stated that the information sought could not be furnished as the same are old records of 35 years back.

Being not satisfied with the replies from the ADC, he filed the present second appeal. He does not deny that he did not make any personal appearance before any of the authorities for seeking the information required by him from the Miao Sub-Divisional Office. In his subsequent letters dated 10.02.2023 and 04.03.2023, he expressed regret for his inability to attend the hearing in person due to his poor financial condition and the long distance from Bodhgaya, Bihar, where he has been staying for the past three years pursuing higher studies.

The appellant, who has been staying in Bodhgaya, Bihar, pursuing his higher studies, has no denial of the fact that the name and address contained in his EPIC sent to the appellant as Identity Proof of his citizenship as Indian are different from the name and address given in his application under Form-A. In lieu thereof, he has disclosed in his letters to the Commission that his name has been wrongly recorded in his EPIC by the BLO and ERO during the recording of his name in the electoral roll, which does not inspire confidence. If the name given in the EPIC and the name mentioned in the RTI application are the same or different persons, as long as any wrongful entry in the electoral roll is corrected in accordance with the law.

Apart from the above submissions, the APIO/EAC, Miao, relied upon another First Appeal filed by the appellant before the First Appellate Authority-cum-Deputy Commissioner, Changlang District, Arunachal Pradesh, vide No.C/RTI-26/12 dated 20.07.2022. The same EAC, Miao Sub-Division, appeared as the representative of the PIO-cum-ADC of Miao Sub-Division for proof that the appellant knows that the DC, Changlang District, is the First Appellate Authority of the ADC, Miao Sub-Divisional Office of Changlang District. He is aware that the DC knows of the same.

Now after hearing from the representative of the PIO and also after having considered all available materials on record I have no reason for dis-believing the fact that the ADC, Miao Sub-division, is the PIO-cum-ADC of the Miao sub-divisional office. The ADC, Miao, being the PIO of the Miao sub-divisional office vide his letter No. M/DEV/RTI/2017-2022 dated 30-09-2022 furnished replies to all contents of his RTI application dated 08.02.2022 that all information so sought by him are not traceable/available in his office on the ground, among others, that information so sought pertained to old record of 35 years back which are not being dealt with or held by or under control of the PIO-cum-ADC, Miao, and the same has not been disputed by appellant. In this said letter of the PIO he has further intimated to appellant that his application dated 08.02.2022 had been transferred to the CF & FD of the Namdapha National Park & Tiger Reserve, for furnishing to him and about which he has no dispute for having already made reference of the same by him in his appeals. If an information sought under RTI is not being held by or under control of the PIO he or she cannot be compelled by any appellate authority to furnish such information to the information seeker. However, if the appellant was not satisfied with the replies of the ADC-cum-PIO of the Miao Sub-Divisional office of the Changlang district, he ought to have filed the first appeal before the First Appellate Authority-cum-Deputy Commissioner, Changlang District which he has not done in the present case.

Considering all the above aspects into account I find this appeal not maintainable under law. And accordingly, this appeal is dismissed and in the result the appeal stands disposed of and closed. Judgment /Order pronounced in the open court of the commission. Each copy of the order is furnished to the parties.

Sd/-
(Goto Ete),
Information Commissioner,
Arunachal Pradesh Information Commission,
Itanagar.

(15) Name & Designation of staff of APIC, 2022-23

Sl. No	Name of the Staff	Designation / Charter of duties	Contact No.
1.	Shri T. Tatak	ASO, Establishment Branch/ Accountant	9402257788
2.	Shri Riggo Dirchi	PS to SCIC, (Shri Rinchen Dorjee)	7640910415
3.	Shri Kirkar Riba	PS to SIC (Shri Goto Ete)	7005542757
4.	Shri Duyu Tamang	PS to SIC (Ms Sonam Yudron)	8415080199
5.	Shri Momon Singh	PS to SIC (Shri Gumjum Haider)	9436040504
6.	Shri Odi Menjo	P.A to SCIC	8794249305
7.	Smti Taba Pumin	P.A. to Registrar	8787785458
8.	Shri Karke Lona	P. A to SIC (Shri Goto Ete)	9402960651
9.	Shri Dunyo Libang	PA to SIC (Shri Genom Tekseng)	6009516991
10.	Smti Danggam Gara	PA to SIC (Shri Gumjum Haider)	9863530868
11.	Ms Tsering Yangzom	PA to SIC (Ms Sonam Yudron)	8787308975
12.	Ms Bharati Yun	Computer Programmer	9175098875
13.	Shri Sangey Tsering Bapu	UDC	8794302331
14.	Ms Nani Ampee	LDC	8132885484
15.	Smti Nonie Boje	L.D.C (Issue and Dispatch)	8787799409
16.	Shri Piye Ete	Computer Operator to SIC (Shri Goto Ete)	9402247670
17.	Shri Gemin Miyu	Computer Operator to SIC (Shri Genom Tekseng)	6909180702
18.	Shri Kikam Haider	Computer Operator to SIC (Shri Gumjum Haider)	8258890671

19.	Shri Benjamin Messar	Computer Operator to SIC (Km Sonam Yudron)	8837479259
20.	Ms. ChingChung Dazangju	Computer Operator (Computer Section, APIC)	8256936337
21.	Smti Dari Mamta	Peon to SCIC	7005371743
22.	Miss Hage Ampa	MTS to Dy. Registrar	9774547635
23.	Miss Gambom Diyum	MTS (RTI Dealing Assistant)	9402235169
24.	Mrs Marter Lollen	MTS (RTI Enquiry Branch)	9402227298
25.	Smti Kiri Ori	MTS to SIC (Shri Gumjum Haider)	8787587712
26.	Smti Nyadam Gamlin (Gadi)	MTS to Registrar	9436844218
27.	Smti Yape Yonggam	MTS to SCIC	9436847925
28.	Smti Tongam Nomuk	MTS to SIC (Shri Genom Tekseng)	9436898700
29.	Smti Yaper Bamang	MTS to SIC (Shri Goto Ete)	9383345249
30.	Shri Toko Tash	MTS (Issue and Dispatch)	7005645928
31.	Shri Bani Taki	MTS (Account Section)	9862510738
32.	Miss Taru Yanku	MTS to SIC (Ms Sonam Yudron)	9862246155
33.	Shri Pei Tunka Camder	MTS (Establishment Branch)	9774132270
34.	Miss Bamang Rogi	MTS (RTI Branch)	6009363159
35.	Shri Ternga Gadi	MTS (Account Section)	9436848045
36.	Shri Karbi Tali	Chowkidar	9402461033
37.	Smti Junu Roy	Sweeper	-
38.	Shri Bali Jini	Driver to Registrar	9436095112
39.	Shri Penny Ronya	Driver for Dak Duty	7005280038
40.	Shri Nima Tsering Megegi	Driver to SCIC (Shri Rinchen Dorjee)	9436071917
41.	Shri Kharsen Ete	Driver to SIC (Shri Goto Ete)	8732806349
42.	Shri Anu Kihon	Driver to SIC (Shri Genom Tekseng)	8119937833
43.	Shri Amit Chhetry	Driver to SIC (SonamYudron)	7896826056
44.	Shri Kali Lombi	Driver to Dy. Registrar	6009786098