



ARUNACHAL PRADESH INFORMATION COMMISSION, APIC  
ITANAGAR

An Appeal Case U/S 19(3) of RTI Act, 2005.  
Vide Case No. APIC-217/2024

(Or. 5, R.3 of CPC)

Shri Lokam Tassar -V/S- PIO-cum- EAC O/o the DC, Capital Itanagar, Govt. of A.P.

**ORDER**

This is an appeal filed under sub-section (3) of Section 19 of the RTI Act, 2005. Brief fact of the case is that the Appellant Lokam Tassar on **22.04.2024** filed an RTI application under Form-'A' before the PIO-Cum- EAC, O/o the Deputy Commissioner, Itanagar, P/pare District, Govt. of Arunachal Pradesh whereby, seeking various information, as quoted in Form-A application. The Appellant, being not satisfied with the information received from the PIO, filed the First Appeal before the First Appellate Authority (FAA) on **03.06.2024** the Appellant, again having not received the required information(s) from the FAA, filed the Second Appeal before the Arunachal Pradesh Information Commission on **18.07.2024** and the Registry of the Commission (APIC), having receipt of the Appeal registered it as **APIC No. 217/2024** and processed the same for its hearing and disposal.

Accordingly, matter came up for hearing before the Commission for once i.e on 29.08.2024 In this hearing of the appeal on 29<sup>th</sup> day of August, 2024. The Appellant Shri Lokam Tassar and the PIO present during the hearing.

Heard both the parties.

The Appellant stated before the Commission that among all the information(s) as applied in his application, the PIO has provided all the information(s) except the serial no. (i) and (ii) which are: Schedule Tribe (ST) certificate and Permanent Residential certificate (PRC) issued to Shri Ha Tatu.

The PIO stated that as per the provisions of Section 8 (j) he denied to provide the said information(s) to the Appellant as the information(s) are personal information as defined by the RTI Act,2005. Moreover, the owner of the documents also objected to furnish the same citing Section 11 of RTI, Act,2005, stating that the said information(s) come under third party information.

The appellant contested the suit on the ground that, he has applied for the documents are public documents, issued by a public authority, maintained on record by the same public authority. And therefore, the Appellant is at right to apply for a public document through the provisions of RTI, Act, 2005 and thereby, be given to him.

In the wake of the statements made by both the parties; This Court of the Arunachal Pradesh Information Commission (APIC) came to the findings; that;

- (i) The documents/information applied by the Appellant are issued by a public authority and therefore are public document.
- (ii) In the *CPIO, SC of India -VS- Subhash Chandra Agarwal 2009 SC*; It has been clearly held that information available with the Public authorities is covered by the RTI Act,2005, being public documents.
- (iii) In the *Iazal Sheikh and others -VS- Abdul Rehman Mia:1990 Gujarat high Court* held that a private wakf deed, which is recorded in the office of the sub-registrar is a public document.
- (iv) *The Indian evidence Act, 1872 states* that the private documents though made by an individual person but is kept as records in the public offices are regarded as a public document to which the *Gauhati High Court in the case of Naratham Das- VS- Md.Maradharali (1991) 1GanLR197(DB) also has said that* "Public documents are those documents, which are required to be kept in the Government custody.

- (v) Public documents are documents of records that are authenticated by a public officer. Public documents also contain statements made by the public officer in his official capacity that are admissible as evidence of the fact in civil matters. They are made available to the public for reference and use.

After hearing both the parties and in view of the above facts and circumstances the appellant is at right to be provided with the full information that he as applied to the PIO through the right given to the Appellant by the RTI Act,2005. Therefore, I don't find the reluctance of the PIO in denying the information the Appellant as genuine and accordingly order that;

- (i) The PIO to provide the information(s) of serial no. (i) and (ii) to the Appellant, as the provisions of Section 8 (j) of the RTI, Act, 2005 clearly states that " information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which could 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: " ***provided that the information which cannot be denied to parliament or a State Legislature shall not be denied to any person***"
- (ii) The information be provided to the Appellant within a stipulated time, ***failing which Section 25 (5) shall be initiated against the PIO as per the provisions of RTI Act,2005.***
- (iii) Accordingly, the appeal is disposed.

Judgment/Order pronounced in the open Court of this Commission today on this 29<sup>th</sup> day of August, 2024. Copy of Judgment/Order be furnished to the parties.

Given under my hand and seal of this Commission/Court on this 29<sup>th</sup> day of August, 2024.

Sd/-  
(Vijay Taram)  
State Information Commissioner  
**APIC, Itanagar.**

Memo No APIC-217 /2024 /293  
Copy to :-

Dated Itanagar the .....<sup>09<sup>th</sup></sup>... Sept' 2024

1. PIO-cum EAC O/o of the DC Capital Itanagar, Govt . of Arunachal Pradesh, for information and necessary action please.
2. Shri Lokam Tassar ,BJP Gate 6<sup>th</sup> Mile NH- 415 Road Itanagar , for information please.
3. The Computer Operator/Programmer for uploading on the website of APC please.
4. Office copy

  
Registrar/DY. Registrar  
APIC- Itanagar.  
Deputy Registrar  
Arunachal Pradesh Information Commission  
Itanagar