



**ARUNACHAL PRADESH INFORMATION COMMISSION, APIC  
ITANAGAR**

**BEFORE THE COURT OF SHRI KHOPEY THALEY, STATE INFORMATION  
COMMISSIONER**

An Appeal Case U/S 19(3) of RTI Act, 2005.  
Vide Case No. APIC-975/2023

**(Summon to appear in person)**

**(Or. 5, R.3 of CPC)**

Appellant: Shri Tarh Atung

-V/S-

PIO-Cum-Dy. Director,  
Higher & Technical Education, Itanagar.

**Summon Notice.**

**The 5<sup>th</sup> hearing** was held on **12<sup>th</sup> June, 2024** related to the **APIC No-975/2023 (Appeal)**. Both the parties present during the hearing.

The PIO of the case has stated that the information sought is third party information which is barred Under Section 8 of sub-section-1 (j) of the RTI Act, 2005. Section 8 of Sub-Section-1 (j) says “ **Information which relates to Personal information, the disclosure of which has no relationship to any Public Activity a interest, or which would Cause unwarranted invasion of the privately of the individual**”.

The PIO also referred to the Digital Personal Data Protection on Act, 2023 which came into force on 11<sup>th</sup> August, 2023.

That as per the deposition made by the appellant the stipend was given to one who is not students of any regular Govt. Colleges. The actual regular College and School going students are being deprived of the stipends given by the State Govt. Moreover, in this case, the stipend is given to a Govt. Servant who is the Third Party.

That as per the case record two information were sought from the Director-cum-PIO in which the information was provided for the serial No. 1 of the query. As per the information of RTI report provided to the appellant Miss Nachat Munham was getting stipend who was studying in an open University Named Venkatshwara Open University from 2012 to 2020. It is alleged that the third party s a Govt. employee under the department of Art & Culture as a Staff Artist from dated 5<sup>th</sup> September, 2006. The document of appointment order is being submitted in the court by appellant.

In the present case, the public authority has disbursed stipends in favour of a Govt. servant who is doing job as staff artiste in the department of Art & Culture and she was drawing stipend as student of Private Open University named Venkatshwara Open University from 2012-2020.

**Under Section 8 (1) (e) of the RTI Act, 2005:** Notwithstanding anything contained in this Act, there shall be no objection to give any citizen information available to a person in his fiduciary relationship unless the competent authority is satisfied that the larger Public Interest warrants the disclosure of such information.

**Unser Section 24(4) of the RTI Act, 2005:-** Nothing contained in this Act shall apply to such intelligence and security organization being organizations established by the State Government, as that Government may, from time to time, by notification in the Official Gazette, specify:

Contd..2/

Provided that the information pertaining to allegations of corruption and human right violation shall not be excluded under this sub-section.

The very objective of the RTI Act, 2005 was enacted to provide for setting out the practical regime of right to information for citizens to secure access to information under the Control of Public activities in order to promote transparency and accountability in working of every public authority.

The Commission is satisfied with the submission made by the appellant regarding the documents sought from the PIO for getting stipends which meant for regular college going students. The Third party has submitted certain documents as required by the authority for procuring the stipends benefit which is in the public domain.

Considering the submission of appellant, the Commission is of the view that the information sought by the appellant is for the larger interest of the public and student community in particular. The information sought is for transparency to all the student community regarding the requirements for applying stipends to different universities.

Therefore, the Deputy Director-cum-PIO, Higher & Technical Education, Govt. of Arunachal Pradesh is directed to furnish the documents/information sought by the appellant on or before next date of hearing.

However, PIO & Third Party is at liberty to file an appeal before the Higher Court if aggrieved by the decision of the Commission.

**Next date of hearing fixed on 31/07/2024 at 2 PM.**

Sd/-

(Khohey Thaley)

State Information Commissioner  
APIC, Itanagar.

Dated Itanagar, the...19...June, 2024.

Memo. No. APIC-975/2023/71

Copy to:

1. The PIO-Cum-Deputy Director Higher & Technical Education, Govt. of , Arunachal Pradesh for information and necessary action please.
2. Shri Tarh Atung, D-Sector, Naharlagun, Papum Pare District, Arunachal Pradesh for information and necessary action. **Contact No.8794018699**
3. The Computer Programmer/Operator, for uploading on the website of APIC and mail.
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