सत्यमेव जयते

सूचना का अधिकार
RIGHT TO INFORMATION

ARUNACHAL PRADESH INFORMATION COMMISSION
ITANAGAR.

An Appeal Case U/S 19(3) of RTI Act, 2005
Case No. APIC-334/2025.
(Summon to appear in person)
(Or.5, R.3 of CPC)

APPELLANT : Shri Nyasam Jongsam, Village Rangkatu Chnaglang.

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

ORDER/SUMMONS

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:

a) Furnish the following information as per the guidelines of election Commission of India on publicity of criminal antecedents of the returned candidate of 53rd 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?	Furnish the details of National/ Local newspaper	
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	*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*

Sl. No	Information Required	Information Provided
02	Whether the returned candidate informed the BJP office about his pending criminal cases?	No information available at this office.
03	Whether the BJP has uploaded the pending criminal cases in their websites including social media, TV Ads, Prime Time debates. pamphlets etc?	No information available at this office
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 Twitter?	No information available at this office.
05	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?	No information available at this office.
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 BJP candidate?	No information available at this office.
07	Whether the returned candidate has published the details of his criminal antecedents at least one edition in National News paper?	No information available at this office.
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 ?	Applicant is requested to specify the exact provision for sharing the information
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?	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 1st 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.

Hearing and decision:

This appeal is, accordingly, listed today on 29.08.2025.

The appellant, Shri Nyasam Jongsam is present in person but the PIO is represented by Shri Marpe Riba, the ADC-cum-Dy. DEO.

The appellant reiterating his demand for the requested information from the o/o the PIO pleaded for an appropriate direction to the PIO to furnish the 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.

It is well settled principle of law that a public authority can not be directed to furnish an information which it does not hold or which is not accessible to it. This Commission, however, notices that although most of the replies furnished by the o/o the PIO states that *"No information available at this office"*, the replies are not supported /accompanied by reasons. It is the requirement of law {section -7(8)(i) of the RTI Act} that when an information is denied to the applicant, the reason thereof has to be communicated to the applicant to his satisfaction. This Commission, therefore, directs the o/o the PIO to furnish the reasons justifying its replies, ' No information available' and 'N.A' and adjourns the hearing of this appeal to 19.09.2025 wherein the physical presence of the representative of the PIO would be necessary.

This appeal, is thus, listed again on 19.09.2025 wherein the parties are directed be present in person.

You are hereby summoned to appear in person in the Hon'ble Court of Shri Sangyal Tsering Bappu, **SIC on the 19th September, 2025, (Friday) at 2 pm** to answer the claims, and you are directed to produce on that day all the documents upon which you intend to rely in support of your claims/defense.

NOW THEREFORE, take notice that, in default of your appearance, on the day above- mentioned, the matter will be heard and determined in your absence.

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

Memo No. APIC- 334/2025 /612 **Dated Itanagar, the** 1 **Sept., 2025**

Copy to:

1. The Deputy Commissioner, Changlang, Govt. of A.P, the First Appellate Authority (FAA) for information and ensuring compliance.
2. The PIO, o/o the District Election Officer, Changlang (A.P) PIN: 792120 for information for complaince.
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.

01/09/25

Registrar/ Deputy Registrar
APIC, Itanagar.

Deputy Registrar
Arunachal Pradesh Information Commission
Itanagar