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- 588/2026.

APPELLANT : Shri Gekar Ado, Shri Tamar Kamki and Shri Mogum Ete, Aalo.

RESPONDENT : The PIO, o/o the BDO, Kamba, Darak Circle, West Siang.

ORDER

This is an appeal under Section 19(3) of RTI Act, 2005 received from Shri Gekar Ado, Shri Tamar Kamki and Shri Mogum Ete for non-furnishing of below mentioned information by the PIO, o/o the BDO Kamba Darak Circle, West Siang District as sought for by them under section 6(1) (Form-A) of RTI Act, 2005 vide their application dated 13.04.2026.

A. Particular of information: establishment of Orange Gardin at Bubi of Degi Potom Village under Darak Circle, West Siang District, Aalo

B. Details of information required:

1. Total sanction amount details with order copy.
2. DPR.
3. Technical sanction order copy.
4. Fund details.
5. Geo Tagging details in colouring photo copies during before & after completion of work.
6. Material procurement of challan copy.
7. Photograph of project before and after the completion of the work site in coloring photo.
8. Physical progress report.
9. Payment Cheque leaf/counter foil/PFMS/DBT transaction receipt copy.
10. Name of Beneficiaries list.
11. Letter of Credit (LOC)
12. Measurement Book (MB).
13. NIT copy.
14. Selected firm.
15. Furnish the supporting documents of selected firm.
16. Furnish the minute copy of village authorities.
17. Name of bidder with details documents of the same.
18. Furnish the experience certificate of Tender winner.
19. Guideline of project.
20. Name of Officer involved in the said project.
21. Completion certificate.
22. Utilization certificate.
23. Furnish the all documents with CTC

C. Period for which information is required: 2019-2020

Brief facts emerging from the appeal and decision:

Records emerging from the appeal disclose that the appellants herein had requested the PIO for the aforementioned information / documents in response whereof the PIO, vide letter dtd.16.04.2026 (reproduced hereunder), informed the appellants that the sought for information are not available with him as there was no handing and taking over of documents with the previous incumbent PIO.

"To

1. Shri Gekar Ado, Kombo Raglam village
2.Shri Tomar Kamki (Adva. Kamka village
3. Shri Mogum Ete, Paya village

Sub: RTI
Ref: Your RTI application dated 13h Apr' 2026
Sir.

With reference to your RTI application addressed to the PIO, BDO. Kamba Darak CD Block as quoted above, it is to inform you that no particulars of information are available for serial no. a) (i) 1. to 23.

Regarding serial no. b), seeking information for the period for 2019-20, it to inform you that the undersigned had taken the charge of BDO ex-parte (no handing taking over was conducted), in April 2024 only, and therefore, no information pertaining to the details of work undertaken in 2019-20 is available with me.

Further, it is to inform you that the Jomi Ado RTI case which relates to the same information was taken up at DC-cum-First Appellate Authority level, where it was clarified before the First Appellate Authority regarding non-availability of documents. In this matter, letter has been issued to previous EO/RE to provide the documents as sought in the RTI, but till date there has been no action taken in this regard by the concerned individuals.

In light of this, you are requested to take up the case at the Hon'ble Court of APIC, Itanagar, as the then BDO has already been transferred out of this district, and the case may be registered in the name of the previous BDO/EO, RE

Sd/-
(TODAK RIBA) APCS
Assistant Commissioner-cum-BDO
Darak-Kamba CD Block, West Siang."

The appellants, aggrieved with the response of the PIO, filed their 1st appeal before the Deputy Commissioner, West Siang District Aalo, the First Appellate Authority (FAA) under Section 19 (1) of RTI Act, 2005 vide Memo of Appeal dt. 07.05.2026.

Records also disclose that the FAA, had conducted the hearing on 18.06.2026 and passed an order of even dated endorsing the submission of the PIO that the requested information/documents are not available as he did not receive any documents/file from the previous BDO for the period 2019-20. The FAA also advised the appellants to approach this Commission.

Pursuant to the order of FAA as above, PIO, vide his letter dt.19.06.26 (as reproduced hereunder), has again reiterated his earlier position to the appellants with advice to take up the matter with this Commission.

Sir,

With respect to the RTI hearing conducted at the office of the first Appellate Authority cum DC, West Siang District regarding your RTI application, it is hereby re-iterated that.

1. *The documents/information sought pertain to a period prior to my joining as the Block Development Office of Darak.*
2. *I assumed the charge of the Office of the BDO in 2024, Ex-Parte, whereby no handing and taking over of files, documents folders etc took place.*
3. *The information/documents that you requested are therefore not traceable or unavailable in the record of this office.*

Therefore, in view of all above, also as per the direction of the first appellate authority, you are hereby requested to take up the matter with Hon'ble Court to APIC, Itanagar and Summon pervious BDO's by name and present designation.

This is for your information and further necessary action please.

Sd/-
(Todak Riba)APCS
AC-cum-BDO Darak
West Siang District (A.P)

The appellants, aggrieved with the response from the PIO and the FAA as above, filed their 2nd appeal before this Commission vide Memo of Appeal dt.26.06.2026 which is, accordingly, listed today on 14.10.2926 wherein the appellants and the present PIO, Mikri Riba, BDO, Darak are present in person.

Hearing and decision:

Heard the parties.

The appellants, reiterating their demand for the requested information, pleaded for an appropriate direction to the PIO to furnish the same. The PIO, on the other hand, reiterating the submission made by his predecessor BDO-cum-BDO, Shri Todak Riba and the direction of the FAA, pleaded vide his wriiten submission dt.12.10.26 (reproduced below) that the previous incumbent BDO-cum-PIO, Shri Nijohn Dangen from whom his immediate predecessor PIO, Shri Todak Riba had taken the charge ex-parte, be summoned along with Shri Yomrak Kato, Panchayat Technical Assistant, Kamba by name.

"Sir,

With reference to your letter No. APIC-588/2026/921 Dated 25/09/2026 Vide Case No. APIC -588/2026 regarding furnishing of information sought under RTI act, 2005, for 'Establishment of Orange garden at Bubi of Degi Potom Village Under Darak Circle, West Siang District', it is to inform you that no particulars of information is available at the office of the Block Development Officer, Darak. My earlier predecessor-in-office had already informed the applicants of the same Vide letter No.BDO/ESTT-01/2026 Dated 16/04/2026, enclosed herewith, as he was given ex-parte charge of the office and no official records were handed to him and consequently to the undersigned as I had only assumed charge of the office from July, 2026.

The earlier incumbent had also tried to contact the then EORE for the office records as evident from letter NO. KMB/BDO-01/2025-26/755 with no avail.

In light of the given circumstances, I request your esteemed office that the then Block Development Officer accountable for the said work, Shri Nijohn Dangen, APCS presently posted in Ying Kiong and the then EORE, Shri Yomrak Kato, Panchayat Technical Assistant, Kamba be summoned by name for furnishing the given information.

Yours sincerely,

Sd/-
(MIKRI RIBA), APCS
Circle Officer cum-BDO, Darak-Kamba
CD Block, West Siang District (AP."

This Commission, after hearing the parties and upon perusal of the written submission of the PIO and also the letter dt.21.01.2026 written by the previous BDO-cum-PIO, Shri Todak Riba to Er. Yomrak Kato, PTA, Kamba Zila Parishad, concludes that no direction can be passed to the PO to furnish the information/documents which he is not holding. But the stand taken by the present incumbent PIO and his immediate predecessor PIO are not acceptable under the RTI regime in as much as the requested documents being the records and documents which pertain to implementation of public scheme through the public exchequer, are required to be held and maintained by the public authorities and the same being covered under the definition of 'information' under section-2(f) of the RTI Act, the denial thereof amounts to violation of the provisions of the RTI Act. However, if the public authority does not hold those documents / information in his custody, than an appropriate replies/explanation has to be furnished to the appellants as mandated by section-7(8)(i) of the RTI Act. Further the advice/suggestion of the of the present PIO that the then BOD-cum-PIO, Shri Nijohn Dangen be summoned as he was responsible for the scheme/works in respect whereof the appellants have sought the information, is wholly misplaced under the RTI Act. In this regard this Commission deems it appropriate to remind the PIO of the Govt. of A.P's decision No.(c) contained in OM-55/2007 which is extracted hereunder:

"(c) Frequent transfer and posting of officer from one place to another is within the administrative jurisdiction of the Government. Such transfer and posting of officers should not disturb the duties and responsibilities of the officer as PIO attached to the post, the relieving Officer should automatically accept the duties and responsibilities of PIO as he has replaced the Relieved Officer/PIO. So transfer of the concerned PIO/APIO should not require appointment of new PIO/APIO afresh for that office. The responsibilities of PIO lies with the Relieving Officer. Hence it is decided...."

In view of the above Govt. decision and also in the absence of any enabling provision under the RTI Act, the suggestion of the incumbent PIO, Shri Mikri Riba to summon the earlier incumbent PIO, is liable to be rejected which this Commission hereby does.

In the premises as above, the PIO is directed to furnish to the appellants cogent reason(s) other than the one he has submitted for denial of the requested information or take such other measures in accordance with the relevant laws to trace out the same and furnish the same to the appellants.

This appeal is, accordingly, disposed of in above terms.

Given under my hand and seal of this Commission on this 14th Oct., 2026.

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

Memo No. APIC-588/2026/1654 **Dated Itanagar, the 22 Oct., 2026**

Copy to:

1. The Deputy Commissioner West Siang District, Aalo, the First Appellate Authority (FAA) for information.
2. The PIO, o/o the BDO Kamba Darak Circle, West Siang District PIN: 791001 for information.
3. Shri Gekar Ado, Shri Tamar Kamki and Shri MogumEte, Aalo West Suang PIN: 791001 Mobile NO. 8731977284/ 9362921158 for information.
4. The Computer Programmer/Computer Operator for uploading on the website of APIC, please.
5. Office Copy.
6. S/Copy.

Registrar/ Deputy Registrar
APIC, Itanagar.

Registrar
Arunachal Pradesh Information Commission
Itanagar