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-416/2025.

APPELLANT : Shri Khya Changrang, Niti Vihar, Itanagar.

RESPONDENT : The PIO, o/o the Chief Engineer (RWD), Western Zone, Itanagar.

ORDER

This is an appeal under Section 19(3) of RTI Act, 2005 received from Shri Khya Changrang for non-furnishing of below mentioned information by the PIO, o/o the Chief Engineer, (RWD), Western Zone Itanagar as sought for by him under section 6(1) (Form-A) of RTI Act, 2005 vide his application dated 27.12.2024.

A) Particular of information: Annual Assets Declaration and Evaluation Report of Er. Nili Likha Kamin, Superintendent Engineer, RWC Rupa

B) Details of information required:

a) CTC of Annual property Return (APR) submitted by Er. Nili Likha Kamin, Superintendent Engineer, RWC Rupa of last years from 2015-23.

b) **CTC of Evaluation Reports:** Details of evaluation or scrutiny process conducted for the submitted annual property returns of the aforementioned officers.

c) **CTC of Submission Records:** the specific office or authority to which these returns were submitted.

d) **Compliance details:** Whether the officer has complied with the mandatory requirement of submitting Annual Property Returns as per Govt. rules.

e) Period for which information is sought for: 2015 to 2023.

Facts emerging from the appeal:

Records reveal that the appellant had requested the PIO for the above mentioned information but could not obtain the same within the statutory period of one month which prompted him to approach the Chief Engineer (RWD), (Western Zone), Rural works Department, Govt of A.P. Itanagar, the First Appellate Authority (FAA).

Records further reveal that subsequently, the PIO, in response to the appellant's application dt. 27.12.2024, informed him, vide letter dt.10.03.2025 that the Annual Assets Declaration and Evaluation Report of Er. N.L Kamin, SE (RWD), Rupa are not available in his office as the office as the requested documents were not submitted through his office.

Records further reveal that the FAA conducted the hearing on 24th April, 2025 and passed the following order:

"JUDGEMENT/ORDER

The 1st Hearing related to RTI No. RWD/RTI-245/2025 held on 24/04/2024 at 1430 hrs in the office chamber of FAA-cum-Chief Engineer (W/Z), RWD, Itanagar.

The Appellant Shri Khya Changrang, was present and the Respondent PIO-cum-SE, o/o the Chief Engineer (W/Z), RWD, Itanagar was also present.

The Respondent stated that a reply letter (enclosed) of "Non-availability" of sough information in response to the Appellant's RTI application has been issued to the Appellant.

The FAA after hearing the submissions made by both the parties and going through available records/documents hereby order.

(a) That the information sought by the Appellant, is not available in this office and moreover the sought information comes under Sec. 8 (i) of the RTI Act. 2005,
(b) In view of the above submission and records, this appeal is fit to be disposed of and closed at this office. And, accordingly, this appeal is disposed of and closed once for all.
(c) Liberty to Appellant for filling second appeal for the instant case if not satisfied with decision of the FAA

Sd/-

(Er. H. Tama)
Chief Engineer-cum-FAA
Rural Works Department,
Itanagar."

The appellant, dissatisfied with the response of the FAA and the PIO as above, filed his 2nd appeal before this Commission under section 19(3) of the RTI Act vide his appeal Memo dt.23.05.2025.

Hearing & decision:

The appeal was, accordingly, heard today on 26.09.2025 wherein the Appellant, Shri Khya Changrang was present while Er, Shri Tamin (SE), the PIO, o/o the Chief Engineer, (RWD), Eastern Zone, Itanagar attended the earing through VC.

Heard the appellant who reiterated his demand for the requested information/documents rom the PIO. He also submitted a written submission containing therein the detailed grounds of appeal, including some citation of Apex Court and High Court cases resting on aspect of public interest in disclosure of personal information.

The appellant complained that the PIO had denied him the information saying that the information are not available in his office as the documents were not submitted to his office but the FAA had rejected his appeal under section-8(1)(j) of the RTI Act which is contradictory. He also went on to say that if the requested documents were not available in the office of the PIO, his application should have been transferred to the authority holding the same in terms of section 6(3).

The appellant also pointed out some allegations of corruption against Er. N. L. Kamin, SE and, accordingly, contended that the Annual Property Return (APR) in respect of the said officer should disclosed as the disclosure is in the larger public interest due to the officer's involvement in the corruption.

In support of his contention, he cited some Apex Court cases viz, **Union of India Vs. ADR & PUCL (2002) 5 SCC44, CBSE Vs. Aditya Bandopadhyay (2011 SCC 479, Girish Ramachandran Deshpande Vs. CIC(1012)8 SCC441 etc.** In these cases the Apex Court had observed that if the public interest in the disclosure of the personal information outweighs the harm to the protected interest under section 8(1)(j), such personal information could be disclosed.

In the instant case though the appellant has attempted to justify his demand for disclosure of the Annual Property Return of the Govt. servant on the ground that the disclosure has a relation with the public interest due to perceived involvement of the Govt servant in corruption, this Commission is not in a position to accept the same because disclosure of the documents on a mere suspicion or allegation of involvement in corruption, per se, can not be construed to be a disclosure involving public interest.

On the issue of larger public interest involved in a matter, this Commission deems it appropriate to refer to the observation of the Hon'ble Supreme Court in the matter of Bihar Public Service Commission v. Saiyed Hussain Abbas Rizwi: (2012) 13 SCC 61 wherein it was held as under:

22. *"The expression "public interest" has to be understood in its true connotation so as to give complete meaning to the relevant provisions of the Act. The expression "public interest" must be viewed in its strict sense with all its exceptions so as to justify denial of a statutory exemption in terms of the Act. In its common parlance, the expression "public interest", like "public purpose", is not capable of any precise definition. It does not have a rigid meaning, is elastic and takes its colour from the statute in which it occurs, the concept varying with time and state of society and its needs [State of Bihar v. Kameshwar Singh (AIR 1952 SC 252)]. It also means the general welfare of the public that warrants recognition and protection; something in which the public as a whole has a stake [Black's Law Dictionary (8th Edn.)]."*

The Hon'ble High Court of Delhi in the decision of Naresh Kumar Trehan v. Rakesh Kumar Gupta in W.P.(C) 85/2010 & CM Nos.156/2010 & 5560/2011 dated 24.11.2014 had observed as under:

"25. Indisputably, Section 8(1)(j) of the Act would be applicable to the information pertaining to Dr Naresh Trehan (petitioner in W.P.(C) 88/2010) and the information contained in the income tax returns would be personal information under Section 8(1)(j)of the Act. However, the CIC directed disclosure of information of Dr Trehan also by concluding that income tax returns and information provided for assessment was in relation to a "public activity." In my view, this is wholly erroneous and unmerited. The act of filing returns with the department cannot be construed as public activity. The expression "public activity" would mean activities of a public nature and not necessarily act done in compliance of a statute. The expression "public activity" would denote activity done for the public and/or in some manner available for participation by public or some section of public. There is no public activity involved in filing a return or an individual pursuing his assessment with the income tax authorities. In this view, the information relating to individual assessee could not be disclosed."

Furthermore, the Hon'ble High Court of Bombay in the decision of Shailesh Gandhi v. CIC and Ors WP 8753 of 2013 dated 06.05.2015 had held as under: "16.....the said contention is thoroughly misconceived as filing of Income Tax Returns can be no stretch of imagination be said to be a public activity, but is an obligation which a citizen owes to the State viz. to pay his taxes and since the said information is held by the Income Tax Department in a fiduciary capacity, the same cannot be directed to be revealed unless the prerequisites for the same are satisfied."

The CIC in **Appeal No. CIC/BS/A/2016/000800-BJ dt.10.04.2017 (D.Nagendra Prasad Vs. CPIO & Income Tax Office and CPIO & Dy. Commissioner of Income Tax, Hyderabad, Andhra Pradesh) and in Appeal No. CIC/CCEJP/A/2017/309294-BJ dt.03.10.2017 (Mr. T. C. Gupta Vs. CPIO & ITO, Bikaner),** relying on the principles of law settled in the aforesaid Apex Court cases, rejected the disclosure of the Income Tax Return and Property Return filed by the Govt. employees.

As already observed in preceding para, the perceived indulgence of the Govt. employee in corruption, unless proven beyond doubt in a competent court, can not be a ground for claiming a public interest for disclosing the Annual Property Return of the Govt. servant as requested by the appellant. In view thereof and in line with the decisions of the CIC and the judicial pronouncements of the Apex Court (supra), this Commission concludes that the appeal does not merit for direction as prayed for by the appellant and hence rejected.

This appeal is disposed of accordingly.

Given under my hand and seal of this Commission on this 26th Sept. 2025.

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

Memo No. APIC- 416/2025 /908 **Dated Itanagar, the Sept.,2025**

Copy to:

1. The Secretary (RWD), Govt. of A.P, Itanagar for information.
2. The Chief Engineer (RWD), Western Zone, Itanagar, the First Appellate Authority PIN:791111 for information.
3. The PIO, o/o the Chief Engineer (RWD), Western Zone, Itanagar, PIN:791111 for information.
4. Shri Khya Changrang, Niti Vihar, Itanagar, Papum Pare District PIN: 791111 Mobile No. 6909447588 for information.
5. The Computer Programmer/Computer Operator for uploading on the Website of APIC, please.
6. Office copy.
7. S/Copy.

Registrar/ Deputy Registrar
APIC, Itanagar.

Deputy Registrar
Arunachal Pradesh Information Commission
Itanagar