



**ARUNACHAL PRADESH INFORMATION COMMISSION  
ITANAGAR**

**BEFORE THE FULL BENCH COURT OF STATE INFORMATION COMMISSIONERS**

No.APIC-752/2023

Dated, Itanagar the 19<sup>th</sup> March, 2024

**Appeal Under Section 19(3) RTI Act, 2005**

**Appellant:** Shri Takam Sakap, C/o Hotel 3D Chandanagar, Itanagar, District Papum Pare, Arunachal Pradesh. PIN-791113, (M) 9366385396, 9436541361.

Vs

**Respondent:** The SPIO-cum-EE (PHE & WS), Govt. of A.P., Koloriang Division, Kurung Kumey District, Arunachal Pradesh, PIN- 791118.

**ORDER**

This is an appeal under Section 19(3) of RTI Act, 2005 filed by Shri Takam Sakap, C/o Hotel 3D Chandanagar, Itanagar, District Papum Pare, Arunachal Pradesh, for non-furnishing of information by the SPIO-cum-EE (PHE & WS), Govt. of A.P., Koloriang Division, Kurung Kumey District, Arunachal Pradesh as sought by the Appellant under section 6(1) of RTI Act, 2005 vide Form-A Dated 01/06/2023 regarding **All the relevant documents of entire PHE & WS Koloriang Division against allocation of fund under Jal Jeevan Mission (JJM) for support activity from Mission Director, Govt. of A.P.**

**The 2<sup>nd</sup> hearing is held today on 19<sup>th</sup> March, 2024**, Appellant Sri Takam Sakap alone is present. The PIO-cum- EE (PHE & WS), Govt. of A.P., Koloriang Division, Kurung Kumey District, Arunachal Pradesh is absent. The appellant has submitted that he has not been provided with the information as sought by him in his application in Form-A. During the 1<sup>st</sup> hearing held on 5<sup>th</sup> Dec,2023 Sri Mimar Tao, Surveyor, O/o the PIO-cum- EE (PHE & WS), Govt. of A.P., Koloriang Division, represented the PIO and submitted that the application in Form-A seeking information has not been received by the PIO. The commission then provided a copy of Form-A to the PIO consisting of voluminous information sought for a period from 2017-2023 with various projects and works.

The applicant was directed to make it specific with one work, one financial year in one application and the short listed specific list to submit to the PIO within 28 days from the 5<sup>th</sup> Dec,2023 so that the PIO can furnish the documents.

When asked whether the appellant has submitted the short listed specific note to the PIO, he replied that he has not done it as he wanted to do it in the court room that too in presence of the PIO. As such, the appellant has failed to comply with the direction of the commission on this matter. There was a hot arguments with the appellant, stating that the commission is favoring the PIO and walked out from the court disrespecting the decorum of the court.

Sub-section 9 of section 7 says that "Information shall ordinarily be provided in the form in which it is sought unless it would disproportionately divert the resources of the public authority or would be detrimental to the safety or preservation of the records in question".

The Supreme Court of India in *CBSE vs Aditya Bandoupadhaya* observes that- "Indiscriminate and impractical demands or directions under the RTI Act for disclosure of all and sundry information (unrelated to transparency and accountability in the functioning of public authority and eradication of corruption) would be counterproductive as it will adversely affect the efficiency of the administration and result in the executive getting bogged down with the non productive work of collecting and furnishing information.



The nation does not want a scenario where 75% of staff of public authority spends 75% of time in collecting and furnishing information to applicants instead of discharging their duties.

The threat of penalties and the pressure of authorities should not lead the employees prioritizing information furnishing at the cost of their normal & regular duties”.

In line of the above, the commission directs the appellant to submit his specified list to the PIO within 15 days from the date of this order failing which; the commission shall be compelled to dispose of the case for non-complying with the directions.

Having observed the gross violation of the RTI Act in the matter and failure to comply with the directions of the Commission, it decides to initiate actions under section 20(1) of the RTI Act 2005 and directs the respondent PIO-cum-EE (PHE & WS), Govt. of A.P., Koloriang Division, Kurung Kumey District, Arunachal Pradesh, to appear before the Commission on the next date of hearing to **SHOW CAUSE** as to why penalty should not be imposed on him under section 20(1) RTI Act 2005 and respondent is also directed to send his written submission along with the supporting documents upon which he chooses to reply during the hearing to the Commission at least seven days prior to the actual date of hearing.

Both the parties are directed to appear before the Commission's court on the next date of hearing without fail. If the SPIO is found absent the Commission may initiate penal provision and in case Appellant is found absent the case shall be disposed of without any further notice, presuming that the Appellant is satisfied with the information so furnished.

**The next date of hearing is fixed on 14<sup>th</sup> May, 2024 (Tuesday) at 1030 hrs.**

**Therefore,** the SPIO-cum-EE (PHE & WS), Govt. of A.P., Koloriang Division, Kurung Kumey District, Arunachal Pradesh is hereby summoned to appear before this Court in person on the scheduled date and time without fail.

**Order copies be issued to all the parties.**

Sd/-

(Rinchen Dorjee)

State Chief Information Commissioner  
Arunachal Pradesh Information Commission  
Itanagar

**Memo No.APIC-752/2023/ 895 Dated, Itanagar the 20 March, 2024**

Copy to:

1. The FAA-cum- Chief Engineer (PHE & WS Eastern Zone), Govt. of A.P. PHE & WS Department, Itanagar, PIN- 791111, to ensure attendance of the SPIO-cum-EE (PHE & WS), Govt. of A.P., Koloriang Division, Kurung Kumey District, Arunachal Pradesh, before the Hon'ble Court of State Chief Information Commissioner, APIC, Itanagar.
2. The Deputy Commissioner, Govt. of A.P. Koloriang, Kurung Kumey District, Arunachal Pradesh, PIN- 791118, to ensure attendance of the SPIO-cum-EE (PHE & WS), Govt. of A.P., Koloriang Division, Kurung Kumey District, Arunachal Pradesh, before the Hon'ble Court of State Chief Information Commissioner, APIC, Itanagar.
3. Computer Programmer, APIC, Itanagar, to upload in APIC Website & send mail to all the parties.
4. Case file.

Registrar /Dy. Registrar  
Arunachal Pradesh Information Commission  
Itanagar  
Arunachal Pradesh Information Commission  
Itanagar