



ARUNACHAL PRADESH INFORMATION COMMISSION
ITANAGAR

Dated Itanagar, the 19.11.2024

No-APIC/CIC/09/2024

NOTICE

REVIEW OF FULL COMMISSION DECISION DATED 08.05.2024

WHEREAS in the interest of proper and effective implementation of the RTI Act, 2005, the full Commission of the Arunachal Pradesh Information Commission (APIC) had taken the following decisions on 08/05/2024:-

"In the light of above observations, the Commission unanimously decided that henceforth the appeals filed before the Commission shall not be taken up for hearing in the Commission but shall be remanded to the respective FAA for adjudication at their level, if...

(a) *the information seeker does not mention in his / her application the "specific" information but seeks indiscriminate and vague information like information for multiple number of years and for multiple number of schemes;*

(b) *the appeals have not been adjudicated by the FAA following due process of law i.e by having proper hearing of the parties and/or without passing reasoned and speaking order."*

2. AND WHEREAS the aforesaid decision was necessitated by the fact that most of the information relating to the developmental projects were being sought by the information seekers indiscriminately and disproportionately thereby adversely affecting the efficiency of the administration and resulting in the Public Authorities / State Public Information Officers getting bogged down with non-productive work of collecting and furnishing information to the information seekers.

3. AND WHEREAS the intent and object of the aforesaid full Commission decision were, hence, to harmonise the cherished rights of the information seekers to obtain information on the one hand and the smooth and efficient functioning of the public authorities without obstructions caused by misuse or abuse of the provisions of the RTI Act by the information seekers on the other as rightly ruled by the Hon'ble Supreme Court of India in its judgment & order dt.09.08.2011 passed in Civil appeal No. 6454 of 2011 [arising out of SLP (C) No. 7526 - 2009] in the matter of CBSE & anr. Vs. Aditya Bandopadhyay & Ors. in para-37.

4. AND WHEREAS the said full Commission decision was also in consonance with the provisions of sub-section (9) of section 7 of the RTI Act which provides that "An 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 record in question.*"

5. AND WHEREAS the aforesaid decision was circulated as an Advisory to all the stakeholders including the First Appellate Authorities for compliance therewith so as to ensure proper adjudication on the appeals under section 19(1) of the RTI Act.

6. AND WHEREAS instances have come to fore where the State Public Information Officers/ Public Authorities, more particularly the works departments, have returned the RTI applications to the information seekers without furnishing any information citing the aforesaid full Commission decision and presumably by misconstruing the word, "Scheme" appearing in condition No.(a) of the Advisory as a single project or work while the real intent and object of using the word, 'Scheme' was one 'funding head' or 'funding programme' or 'funding source' viz., SIDF, RIDF, PMGSY, ADA, SADA, BE/RE, MLA/MP LAD etc. Such an action on the part of those public authorities was totally against the very spirit of the RTI regime.

7. AND WHEREAS the members of various RTI activists Associations in the State in this regard have also submitted representation dt.14.11.2024 demanding for immediate revocation of the aforesaid full Commission decision threatening with demonstration and other legal course of action if the aforesaid full Commission decision is not revoked.

AND WHEREAS the intent and object of the aforesaid full Commission decision was never to discourage the information seekers from obtaining the information from the public authorities. On the contrary, it was to harmonise and ease the dissemination of information to the information seekers without obstructing the efficient functioning of the public authorities.

9. AND WHEREAS the full Commission of APIC, upon consideration of the premises as above, reviewed the said decision today on 19th November, 2024 and accordingly, the following clarifications are issued:-

- (a) that the word, 'Scheme' appearing in the condition (a) of the decision dt.08.05.2024 shall be read and mean as 'funding head' or 'funding programme' or 'funding source' viz., SIDF, RIDF, PMGSY, ADA, SADA, BE/RE, MLA/MP LAD so on and
- (b) that the public authorities, particularly the departments implementing or executing various developmental works/projects shall not *repeat* shall not reject the RTI applications citing the 08.05.2024 decision of the APIC but shall furnish the information against whatever number of schemes under whatever number of 'funding head' or 'funding programme' or 'funding source' and for whatever number of financial year as may be possible and feasible, however, subject to the condition that the RTI applicants shall not seek for vague, indiscriminate and disproportionate information keeping in mind the ruling of the Hon'ble Supreme Court of India in Civil Appeal No. 6454 of 2011 arising out of SLP (C) No. 7526 - 2009) (CBSE& anr.Vs. Aditya Bandopadhyay & Ors).

Sd/-


[Major General Jarken Gamlin, AVSM, SM, VSM (Retd)],
State Chief Information Commissioner
Arunachal Pradesh Information Commission
Itanagar

Memo No. APIC/CIC/09/2024 /418

Dated Itanagar, the 19.11.2024

Copy to :-

1. The Commissioner to Hon'ble Governor, Arunachal Pradesh, Itanagar for information.
2. The Commissioner to Hon'ble Chief Minister, Govt. of A.P. Itanagar for information.
3. The Secy/Commissioner (AR / Personnel), A.P. Civil Secretariat, Govt. of A.P., Itanagar for information.
4. The Under Secy to the Chief Secretary, Govt. of A.P., Itanagar for information.
5. The Registrar, APIC, Itanagar for information. This decision/clarification may be circulated to the First Appellate Authorities (FAAs) and PIOs/APIOs for strict compliance and also publish in the local dailies.
6. Notice Board copy.


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