



ARUNACHAL PRADESH INFORMATION COMMISSION
ITANAGAR

BEFORE THE FULL BENCH COURT OF STATE INFORMATION COMMISSIONERS

No.APIC-1024/2023

Dated, Itanagar the 28th May, 2024

Appeal Under Section 19(3) RTI Act, 2005

Appellant: Mr. Mamu Sono, Sood village, Naharlagun, Po/Ps Naharlagun, Papum Pare District, Arunachal Pradesh, PIN-791110, (M) 9436215521.

Vs

Respondent: The PIO-cum- EE(WRD), Govt. of A.P. Department of Water Resource, Namsai District, Arunachal Pradesh, PIN-792103

ORDER

This is an appeal under Section 19(3) of RTI Act, 2005 filed by Mr. Mamu Sono, Sood village, Naharlagun, Po/Ps Naharlagun, Papum Pare District, Arunachal Pradesh, for non-furnishing of information by the PIO-cum- EE(WRD), Govt. of A.P. Department of Water Resource, Namsai District, Arunachal Pradesh, as sought by the Appellant under section 6(1) of RTI Act, 2005 vide Form-A Dated 02/09/2023 regarding schemes under SIDF and RIDF.

The 1st hearing is held today on 28th May, 2024 as scheduled. The PIO-cum- EE(WRD), Govt. of A.P. Department of Water Resource, Namsai District, Arunachal Pradesh is represented by Adv. Bajongso Kri. The Appellant Shri Mamu Sono is absent. The representative of the PIO has submitted that the information sought by the appellant is regarding schemes under SIDF and RIDF from the year 2015 to 2023 and detail of information sought are thirty two in numbers which is not specific, vague and voluminous. The information sought is not possible to furnish to the Appellant within the prescribed period.

The Commission viewed seriously the negligence of the PIO, for not informing about difficulties to Appellant and to seek specific information within the stipulated period. The PIO has failed completely in performing his duties diligently. Since, the Appellant is absent, the Commission could not hear from him. It is a fit case for penalizing the PIO for not responding in time.

The Commission going through the records available and submission made by the counsel of the PIO, it is found that the information sought are vague and voluminous and of several years of various schemes. The Commission directs the Appellant to seek specific information as given under clause (b) of subsection (1) of the Section (6) of the RTI Act, 2005. Keeping in view not to disproportionately divert the resources of the public authority given under Subsection (9) of section (7) of the RTI Act, the Commission cited the Supreme Court's adjudication in the case of, "CBSE vs Aditya Bandopadhyay & Ors on 9 August, 2011, Civil Appeal No.6454 of 2011",

"37.Indiscriminate and impractical demands or directions under RTI Act for disclosure of all and sundry information (unrelated to transparency and accountability in the functioning of public authorities and eradication of corruption) would be counter-productive 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 Act should not be allowed to be misused or abused, to become a tool to obstruct the national development and integration, or to destroy the peace, tranquility and harmony among its citizens. Nor should it be converted into a tool of oppression or intimidation of honest officials striving to do their duty. The nation does not want a scenario where 75% of the staff of public authorities spends 75% of their time in collecting and furnishing information to applicants instead of discharging their regular duties. The threat of penalties under the RTI Act and the pressure of the authorities under the RTI Act should not lead to employees of a public authorities prioritising 'information furnishing', at the cost of their normal and regular duties."

Further, the Commission found that the matter has not been heard by First Appellate Authority (FAA) which is mandatory under the RTI Act, 2005.

Therefore, the appeal case is remanded to the FAA with the direction to hear both the parties giving equal and fair opportunities of being heard in the interest of the natural justice and pass speaking order on merit. The Appellant is at his liberty to file fresh appeal to the Commission if he is aggrieved or not satisfied with the decision of the FAA.

Therefore, the case is hereby disposed of.

Order copies be issued to all the parties.

Sd/-

(Rinchen Dorjee)

State Chief Information Commissioner
Arunachal Pradesh Information Commission

Itanagar

Memo No.APIC-1024/2023/1638

Dated, Itanagar the 30 May,2024

Copy to:

1. The FAA-cum-Chief Engineer, Govt. of A.P. Eastern Zone, Miao, Changlang District, Arunachal Pradesh, PIN-792122 for necessary action please.
2. The Deputy Commissioner, Namsai Division, Namsai District, Arunachal Pradesh, PIN-792103 for information please.
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

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