



सूचना का
अधिकार
RIGHT TO
INFORMATION

ITANAGAR, ARUNACHAL PRADESH

An appeal case U/S 19(3) of RTI Act, 2005

Vide Case No.APIC-75/2024

**BEFORE THE HON'BLE COURT OF SHRI VIJAY TARAM, THE STATE
INFORMATION COMMISSIONER, UNDER SECTION 19(3) OF RTI ACT, 2005.**

Shri Rajesh Paron, Shri Rumbo Apang & Shri Kamin Ejing

..... Appellant.

-VERSUS-

PIO-Cum-EE, Electrical Department,
Yingkiong, Upper Siang District,
Govt. of Arunachal Pradesh

..... Respondent.

Order:08.08.2024.

JUDGEMENT

This is an appeal filed under sub-section (3) of Section 19 of the RTI Act, 2005. Brief fact of the case is that the Appellants Shri Rajesh Paron on **17/08/2023** filed an RTI application under Form-'A' before the PIO-Cum-EE Department of (Elect.) Yingkiong Division under West Siang District, Govt. of Arunachal Pradesh whereby, seeking various information, as quoted in Form-A application. The Appellants, being not satisfied with the information received from the PIO, filed the First Appeal before the First Appellate Authority (FAA) on **18.09.2023** the Appellants, again having not received the required information(s) from the FAA, filed the Second Appeal before the Arunachal Pradesh Information Commission on **08.12.2023** and the Registry of the Commission (APIC), having receipt of the Appeal registered it as **APIC No. 75/2024** and processed the same for its hearing and disposal.

Accordingly, matter came up for hearing before the Commission for three times i.e on **0/04/2024, 13/06/2024 & 08/08/2024**. In this hearing of the appeal on 8th day of August, 2024. The Appellant Shri Rajesh Paron present during the hearing and the PIO heard through whatsapp via video call.

Heard the both the parties.

The PIO stated that he has furnished all the information(s) to the Appellants as applied in the earlier RTI appeal.

The Appellant also admitted that he has received all the information(s) but in this present appeal they want to inspect the site verification whether the work is completely done or not.

After hearing both the parties, the Commission explain the Appellant that;

- (i) According to the High Court of Delhi, through learned judge, Justice Yahwant Sharma in the case of Ansaar Mohammad v. State of Rajasthan (W.P.(C) 3883/2022) held that right to 'Inspection Of Work' of any Public Authority under Section 2(j) of RTI Act does not include 'Inspection Of Property'

BRIEF FACTS: This writ petition was filed against the order of 28 September 2021 in terms of which an application made by the petitioner purporting to invoke the provisions of the Right to Information Act, 2005 was rejected. From a perusal of the application as tendered, it transpires that the petitioner was essentially aggrieved by non-completion of certain civil works in a government quarter which had been allotted to him. It was in that connection that the provisions of the Act were sought to be invoked. Learned counsel for the petitioner contended that the inspection of premises and properties would fall within the ambit of the Act in light of the provisions made in Section 2(j). According to learned counsel, the use of the word "work" in Section 2(j) would indicate that the provisions of the Act could extend to the prayers as made and laid before the respondents.

FINDINGS OF THE COURT: In the considered opinion of the Court that the submissions of the learned counsel of the petitioner was thoroughly misconceived for certain reasons. The court remarked "The Act essentially confers a right on citizens to seek information. It enables them to secure information that may be within the control and possession of public authorities. When Section 2(j) uses the word "work", it is referring to the inspection of documents and records and it is in that light that the said phrase is liable to be understood. The word "work" is to be read in conjunction with the expressions "documents" and "records". It thus must necessarily draw color there from". The court dismissed the petition by remarking that as it construed the provisions of the Act, it was manifest that the application that was made was thoroughly misconceived.

After hearing the Commission, the Appellant Shri Rajesh Paron he understood the matter and has requested the Commission for disposal/closure of their appeal on ground of satisfactorily judgment order passed by this Court.

In view of the above facts and circumstances I find this appeal fit to be disposed off and closed. And, accordingly, this appeal stands disposed off and closed once for all.

Judgment/Order pronounced in the open Court of this Commission today on this **8th day of August, 2024**. Copy of Judgment/Order be furnished to the parties.

Given under my hand and seal of this Commission/Court on this **8th day of August, 2024**.

Sd/-
(Vijay Taram)
State Information Commissioner
APIC, Itanagar.

Memo.No.APIC-75/2024

Dated Itanagar, the 14 August, 2024.

Copy to:

1. PIO-Cum-EE, Electrical Department, Yingkiong Div. Upper Siang District, Govt of Arunachal Pradesh for information and necessary action please. **Pin Code-791002**.
2. Shri Rajesh Paron, Shri Rumbo Apang & Shri Kamin Ejing, C/o JNC P/O-Hilltop, Pasighat, E/Siang District, Arunachal Pradesh for information please. **Contact No. 8974920552**
3. The Computer Programmer, APIC for uploading on the Website of APIC please.
4. Office Copy.

Registrar/Dy. Registrar
APIC, Itanagar.

Registrar
Arunachal Pradesh Information Commission
Itanagar