



**ARUNACHAL PRADESH INFORMATION COMMISSION
ITANAGAR**

**BEFORE THE HON'BLE COURT OF SHRI RINCHEN DORJEE, STATE CHIEF
INFORMATION COMMISSIONER**

No.APIC-06/2024

Dated, Itanagar the 23rd July, 2024

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

Appellant: Shri Tai Patum, Vill-Karda, PO/Ps-Daporijo, Upper Subansiri District, Arunachal Pradesh, PIN-791122, (M) 8415823813.

Vs

Respondent: The PIO-cum-DDSE, Govt. of A.P., Daporijo, Upper Subansiri District, Arunachal Pradesh, PIN-791122.

Date of 1st Hearing:-23-07-2024

ORDER

This is an appeal under Section 19(3) of RTI Act, 2005 filed by Shri Tai Patum, Vill-Karda, PO/Ps-Daporijo, Upper Subansiri District, Arunachal Pradesh, for non-furnishing of information by the PIO-cum-DDSE, Govt. of A.P., Daporijo, Upper Subansiri District, Arunachal Pradesh, as sought by the Appellant under section 6(1) of RTI Act, 2005 vide Form-A Dated 25/08/2023 regarding **Account / Staffs details of the District.**

The 1st hearing is held today on 23rd July' 2024 (Tuesday) at 1030 hrs. Shri Tai Patum appellant is absent and PIO-Cum-DDSE, Daporijo, Upper Subansiri Distt. is also found absent.

The Commission observes that information sought for by the Appellant is of various subjects of DDSE, Daporijo, Upper Subansiri Distt. and the period of information sought for is from 2015 onwards which is voluminous and vast in nature. It is found that the information sought are of various years and not specific. The Commission orders to seek specific information of one work for one financial year only and intimate to the PIO for its early furnishing of the information. As per the sub-section 9 of section (7) it clearly mentioned 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 record in question.

It is pertinent to mention here the observation of Supreme Court in the CBSE VS Aditya Bandyopadhyay states that " 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 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.

Further, it says that the Act should not be allowed to be used or abused to become a tool to obstruct the national development & 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 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.” Unquote.

Now, the Commission observes that the matter has not been heard by the First Appellate Authority (FAA). As per the principle of natural justice fair opportunities of being heard should be given to both the parties and after hearing both the parties decision should be given in speaking order on merits. If the Appellant is aggrieved by the decision of the First Appellate Authority (FAA) the Appellant should appeal to the 2nd Appellate Authority within 90 days from date of decision of the First Appellate Authority (FAA).

It is directed to the Appellant to seek specific information for one work of one financial year. So that the PIO can furnish the information within the time frame period.

Hence, the appeal is premature, and therefore, it is remanded to the First Appellate Authority (FAA) for its proper hearing and pass speaking orders on merit. The case will be heard by the Commission on its appeal, if the appellant is not satisfied or aggrieved by the order of the First Appellate Authority (FAA).

Therefore, the matter is disposed of and closed.

N.B: - PIO and Appellant can also avail online mode of hearing by downloading “Webex App” from Google Play Store and may contact Shri Himanshu Verma at Mob:- 8878891768 for further technical assistance.

Order copies be issued to all the parties.

Sd/-

(Rinchen Dorjee)

State Chief Information Commissioner
Arunachal Pradesh Information Commission

Itanagar

Dated, Itanagar the 2nd July, 2024

Memo No.APIC-06/2024 1186

Copy to:

1. The FAA-Cum- Director , Govt. of A.P., Directorate of Elementary Education, Itanagar, Arunachal Pradesh, PIN-791111 to ensure fair hearing of the case to both the parties within your jurisdiction.
2. The Deputy Commissioner, Govt. of A.P., Daporijo, Upper Subansiri District, Arunachal Pradesh, PIN- 791001 to ensure attendance of the PIO-Cum-DDSE, Govt. of A.P., Daporijo, Upper Subansiri District, Arunachal Pradesh for information.
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