



ARUNACHAL PRADESH INFORMATION COMMISSION, (APIC)
ITANAGAR.

An Appeal Case U/S 19(3) of RTI Act, 2005
Vide Case No. APIC- 956/2023.

Shri Riya Taram RTI Secy. (ALSU)
Adv. Takam Sakap C/o Hotel River View Naharlagun
Vs

..... APPELLANTS

The PIO, o/o the Executive Engineer,
(WRD), Anini Division, Dibang Valley District,
Arunachal Pradesh.

.....RESPONDENT

ORDER

This is an appeal under Section 19(3) of RTI Act, 2005 received from Shri Riya Taram and shri Takam Sakap for non-furnishing of information by the PIO o/o the Executive Engineer, (WRD), Anini Division, Dibang Valley District, Arunachal Pradesh as sought for by them under section 6(1) (Form-A) of RTI Act, 2005 vide application dated 19.07.2023.

Facts of the case:

The Appellants, vide their application dt. 19.07.2023, had sought 28 (twenty-eight) point information against the fund allocated under PMKSY-HKKP/CLUSTER SMI SCHEME / SIDF / BE / RE / SADA / ADA / MLA-LAD / MP -LAD / SPA / SJETA / CCI / CMCRP/BA/SCA-TSS/SWRD or Maintenance and supply works and implementation at entire Anini Division from 2016 to till date from the PIO o/o the Executive Engineer (WRD) Anini Division, Dibang Valley District.

Record reveals that the, the Appellants had filed First Appeal before the First Appellate Authority (FAA) i.e the Chief Engineer (WRD) (E.Z), Miao vide application dt. 21.08.23 which was posted through Speed Post at Itanagar Post Office on same date. Record also discloses that the Appellant filed 2nd Appeal before this Commission on 29.09.2023 on the ground of non-furnishing of the information but record is silent as to adjudication on the appeal by the 1st Appellate Authority (FAA), the Chief Engineer (WRD) (E.Z), Miao.

Hearing & Decision.

This Commission found that this appeal, having not been adjudicated at the level of the FAA as required under section 19(1) of the RTI Act, was fit to be remanded to him for adjudication. However, since the application for the information was filed more than one year back and the PIO, Er. Shri Maga Tasso, the Executive Engineer (WRD) Anini Division, attended the hearing through V.C, the Commission took up the appeal for

hearing and accordingly, heard the PIO. The Appellant, Shri Riya Taram was, however, absent without any information. So the appeal was heard in his absence.

During the hearing the PIO contended that that the information(s) sought for by the Appellants is so voluminous and indiscriminate that it will not be possible to collate such information pertaining to multiple number of years i.e for eight years (2016 to 2023) and for multiplicity of Funding Programmes such as under PMKSY-HKPP/CLUSTER SMI SCHEME / SIDF / BE / RE / SADA / ADA / MLA-LAD / MP-LAD / SPA / SJETA etc. When asked as to for how many financial years and for how many funding programmes it would be possible for the authority to furnish the information, the PIO replied that at the most it may be possible to provide the information for 2(two) years i.e for the F.Y 2022-23 & 2023-24 and for 3(three) funding programs namely, PMKSY-HKPP/CLUSTER SMI SCHEME, SIDF and programs meant for SJETA department and further submitted that the Division did not execute other programs.

In adverting to the submission of the APIO vis-à-vis the nature and the form in which the Appellants have sought the information, this Commission felt it relevant to refer to the provisions of sub-section (9) of section 7 of the RTI Act,2015 which provides as under:

“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.”

The implication of the provisions of law as above is that it would not be obligatory upon the PIO to provide information(s) **if the form in which the information(s) is sought would disproportionately divert the resources of the public authority or would be detrimental to the safety or preservation of the record in question.**

This Commission also felt it appropriate to refer to the landmark judgment & Order dtd.08.09.2011 passed by 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.) whereby the Hon'ble Court, in para-37 of the judgement, held that:

“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, tranquillity 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 RTI Act should not lead to employees of a public authorities prioritising 'information furnishing', at the cost of their normal and regular duties"

In the light of aforesaid provisions of section 7(9) of the RTI Act, 2015 and applying the principles of law as laid down by the Hon'ble Supreme Court in the CBSE case (supra) and after considering the fact that the information sought for by the appellant in the instant case was indeed voluminous and indiscriminate inasmuch as the same pertains to past 8 years (2016 to 2023) and for multiplicity of funding programs such as PMKSY-HKKP/CLUSTER SMI SCHEME / SIDF / BE / RE / SADA / ADA / MLA-LAD / MP-LAD / SPA / SJETA etc., this Commission directed the PIO to furnish information for 2(two) Financial Years i.e for the F.Y 2022-23 and 2023-24 against the schemes under 3(three) programs namely, PMKSY-HKKP/CLUSTER SMI SCHEME, SIDF and the programmes for SJETA department within 4(four) weeks from the date of receipt of this order and the Appellant was also directed to report his satisfaction or otherwise thereon before the next date of hearing fixed on 1st November, 2024 at 02.00 pm.

In the meanwhile, this Commission is in receipt of letter dt.28.10.2024 from the appellant, Shri Riya Taram intimating that he has received all the RTI documents from the PIO, the E.E.(WRD), Anini of which he is satisfied and further prayed for disposal and closure of this appeal.

In the premises as above, this appeal stands disposed off and closed and resultantly, the hearing of this appeal scheduled on 1st Nov., 2024 stands cancelled.

Issued under my hand seal of this Commission on this 28th Oct., 2024.

Sd/-

(SANGYAL TSERING BAPPU)
State Information Commissioner,
APIC, Itanagar.

Dated Itanagar, the 29 Oct, 2024

Memo No. APIC- 956/2023/ 408

Copy to:-

1. The PIO o/o the Executive Engineer (WRD), Anini Division, Diabang Valley District, Arunachal Pradesh PIN: 792101 for information.
2. Shri Riya Taram, Shri Takam Sakap and Shri Lokam Tadam, c/o Hotel River View Naharlagun PIN: 791110 Mobile No. 9383103387/9402443699 for information.
3. The Computer Programmer/Computer Operator for uploading on the Website of APIC, please.
4. Office copy.
5. S/copy

Registrar/ Deputy Registrar
APIC, Itanagar.

Arunachal Pradesh Information Commission
Itanagar