



**ARUNACHAL PRADESH INFORMATION COMMISSION ITANAGAR**  
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**BEFORE THE HON'BLE COURT OF SHRI SANGYAL TSERING BAPPU, STATE  
INFORMATION COMMISSIONER**

No. APIC-516/2023

Dated, Itanagar 22<sup>nd</sup> May 2024.

**Under Section 19(3) RTI Act, 2005**

**Appellant**

**Shri Mamu Sono  
Vill-Sood, Naharlagun  
P.O/P. S- Naharlagun, AP.**

**Vs-**

**Respondent**

**PIO-Cum-EE-Power  
Electrical, Bomdila Division  
West Kameng District, AP**

**JUDGEMENT & ORDER**

- 1. Date of hearing:**
1. 20/03/2023
  2. 24/01/2024
  3. 20/03/2024
  4. 22/05/2024

**2. Date of Judgement and Order: 22/05/2024**

This is an appeal under section 19 (3) of RTI Act, 2005 filed by **Shri Mamu Sono, Vill-Sood, Naharlagun, P.O/P.S- Naharlagun, Arunachal Pradesh for non-furnishing of information by the PIO O/o the-EE, Power (Electrical) , Bomdila Division, West Kameng District, Govt. of AP, as sought for by the Appellant under section 6(1) (Form-A) of RTI Act, 2005.**

**Facts of the case:**

The Appellant, Shri Mamu Sono, vide his application dt. 20.03.2023, had sought the following information(s) from the PIO, the Executive Engineer(E), Bomdila Electrical Division, Department of Power, Govt. of A.P, West Kameng District, Bomdila :

1. Particulars of Information: Schemes list under SADA, ADA, SIDF & RIDF.
2. Details of information required:
  - (i) the copies of order of total sanctioned amount;
  - (ii) the names and the places where the works were executed/ implemented;
  - (iii) the copies of total nos. of scheme list of above-mentioned names;
  - (iv) the copies of total sanctioned amount for maintenance, renovation and repairs, stationeries.

Contd P2/n-

3. Period for which information is asked for: Since 2010 to till date (till 20.03.2023)

The PIO could not furnish the information(s) to the appellant and therefore, the appellant had filed First Appeal before the First Appellate Authority (FAA) i.e the Chief Engineer (Pawer), Western Electrical Zone, Govt. A.P, Itanagar on 21.04.2024.

The FAA, vide Memorandum No.CE(P)/WEZ/E-1/49(A)/2022-23/ dt.09.05.2023, had directed the PIO to furnish the information(s) to the appellant with liberty to him (Appellant) to approach the Second Appellate Authority, the State Information Commission if the PIO failed to provide the information(s).

The appellant, apparently, having been dissatisfied with the response from the PIO despite the direction of the FAA, preferred this Second Appeal before the Commission vide his application dt. 23.05.23.

**Hearing:**

This appeal was heard for the 4<sup>th</sup> time today on 22/05.2024.

In the 1<sup>st</sup> hearing on 21.12.23, the PIO was directed to provide only the sanction orders of the projects and in the 2<sup>nd</sup>, hearing held on 24.01.24, the PIO furnished some portion of the information(s) sought by the appellant which the appellant was directed to go through and intimate to the Commission of his satisfaction /dis-satisfaction.

In the 3<sup>rd</sup> hearing held on 20.03.24, the appellant submitted a copy of his letter dt.05.02.24 addressed to the PIO intimating his dissatisfaction on the information(s) furnished by the PIO on the ground that the information so furnished by the PIO is for the period 2017 to 2023 whereas his request was for the period 2010 to 2023. The PIO who was neither present nor represented in the hearing, was directed to furnish the left-out information(s) as reflected in the appellant's aforesaid letter dt.05.02.24 and was also directed that in case any of the information(s) sought for by the appellant is/are not available under the custody of the PIO then a declaration to that effect shall be furnished by way of an affidavit.

In today's hearing both the appellant and the PIO's representative, Er. Shri Tayeng Changrang, J.E (E) were present who were given a patient hearing.

The appellant, while expressing his dissatisfaction on the information(s) so far furnished by the PIO, re-iterated his request for the left-out information(s).

The representative of the PIO, on the other hand, contended that the information(s) sought for by the appellant is so voluminous and indiscriminate that it was /is not possible for the department to collate such information pertaining to multiple number of years i.e for 14 years (2010 to 2023) and for multiplicity of schemes such as SADA, ADA, SIDF & RIDF etc. besides sanction orders for repairs, maintenance, renovations, stationeries.

He also submitted that at the most it may be possible for the department to furnish the information(s) for 2(two) years at a time for a particular scheme.



**Decision:**

Before advertng to the contention and submissions of the parties, it is felt relevant to refer to the provisions of sub-section (9) of section 7 of the RTI Act,2015 which reads 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.**”**

From the language of the provision of law as above what could be deduced is that it would not be binding 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, 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, 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 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 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, which in fact, is voluminous and indiscriminate inasmuch as the same pertains to past 14 years (2010 to 2023) and for multiplicity of schemes namely, SADA, ADA, RIDF & SIDF in addition to sanction orders for expenditure towards repairs, maintenance, renovations, stationeries for 14 years, this Commission is of the opinion that the request of the appellant is disproportionate, indiscriminate and impractical request and therefore, this Commission is inclined to hold that the appellant, though, is entitled to seek the information but not in the present form which is likely to divert the manpower resources of the department disproportionately to information collecting and furnishing as rightly held by the Hon'ble Supreme Court.

The PIO is, therefore, directed to furnish information for 1(one) or 2(two) Financial Years and for 1(one) scheme only at a time as agreed to by his representative during the hearing of the appeal.

With the above direction, this appeal is disposed of.

Given under my hand and seal of this Commission's Court on this 22<sup>nd</sup> May, 2024


Sd/-  
( Sangyal Tsering Bappu )  
State Information Commissioner,  
APIC, Itanagar.

Memo.No. APIC- 516/2023/ 1811

Dated Itanagar, 28 May 2024.

Copy to:

1. The PIO-Cum- EE, Power (Electrical), Bomdila Division, West Kameng District, PIN-790001, Govt.of AP for information & necessary action please.
2. Shri Mamu Sono, vill-Sood, Naharlagun, P.O/P.S-Naharlagun,AP,PIN-791110,(phone no.9436215521), for information & necessary action please.
3. The Computer Programmer for uploading on the Website of APIC, please.
4. Office copy.

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