



सूचना का
अधिकार
RIGHT TO
INFORMATION



ITANAGAR, ARUNACHAL PRADESH

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

Vide Case No.APIC-628/2023

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

Shri Takam Sakap

..... Appellant

-VERSUS-

PIO-Cum-Executive Engineer, PHE&WS,
Bordumsa, Changlang District,
Govt. of Arunachal Pradesh

..... Respondent.

Order: 04.03.2025.

JUDGEMENT

This is an appeal filed under sub-section (3) of Section 19 of the RTI 2005. Brief fact of the case is that the Appellant, Shri Takam Sakap, on **08/05/2023** filed an RTI application in form 'A' before the PIO-cum-EE, PHE & WS, Bordumsa Division, Changlang District, Govt. of Arunachal Pradesh. Whereby seeking various information as quoted in Form 'A' application. The Appellant being not satisfied with the information received from the PIO filed the First Appeal before the First Appellate Authority (FAA) on **09/06/2023**. Appellant again having not received the required information from the FAA, filed the Appeal before the Arunachal Pradesh Information Commission on **10/07/2023** and the Registry of the Commission (APIC) having receipt of the Appeal registered it as **APIC- No. 628/2023 (Appeal)** and processed the same for its hearing and disposal.

Whereas, the **3rd hearing held on 4th March' 2025**, related to the **APIC- No.628/2023**. The Appellant Shri Takam Sakap is present in the **3rd** (third) hearing after absenting 2 (two) consecutive times in the first and second hearing on 05.11.2024 and 17.12.2024. The PIO-cum-EE, PHE & WS, Bordumsa Division, Changlang District, Govt. of Arunachal Pradesh, present through online mode.

Heard the Appellant:

The Appellant stated before the Commission that the PIO has not provided him any of the information(s) that he has applied for in his Form-A, in the month of May, 2023,

The Commission observes;

- (i) The PIO on 5th November' 2024, stated before the Commission that he has sent a letter to the Appellant to deposit the requisite fees and to collect the information(s) that he has applied for.
- (ii) The Post Office has returned the letter stating that the addressee is not found in the Hotel 3D, Chandranagar, where the address of the Addressee was given.
- (iii) Going by the Form-A application of the Appellant/Applicant it is sufficiently evident that the Appellant is a practicing Advocate and also the General Secretary of Arunachal Junior Legal Practice Co-ordination Committee (AJLPCC) and he has given his address for correspondence in his Form-A application as C/o Hotel 3D Chandranagar Itanagar.
- (iv) On hearing the Appellant: the Appellant stated that his place of permanent resident is at Gophur, Itanagar, near Itanagar Municipal Corporation (IMC) back side.
- (v) Before deciding the present case, the Commission feels it necessary to consider the issue regarding the "Public Interest" aspect of the RTI, Act, 2005.
- (vi) The **RTI, Act, 2005** is primarily considered to be in the "Public Interest" as it allows citizens to access government information(s), which is meant to promote transparency and accountability, thereby serving the welfare of the general public rather than any individual's personal interest alone; the key principle of the act is to disclose information(s) that benefits the larger community.

Purpose;

The main goal of the RTI, Act is to empower citizens to access information(s) held by government authorities, which helps to monitor government actions and prevent corruption, ultimately serving the public good.

Larger Public Interest Consideration;

Even if information is technically personal, it can be disclosed under RTI, Act, if the "Public Interest" in disclosure outweighs any potential harm. As given in Section 8(I)(j) in regard to "Public activity or interest".

- (i) The Hon'ble Madras High Court In Para **14(iii)(5) of the A. Vijaya Sekaran Vs Secretary to Government**, Home (Police) (iii) Department Fort St. George Chennai 9. has held as follows;

"It is necessary to take note of the meaning of Public Interest Litigation (PIL); in Stroud's Judicial dictionary, volume-4(iv the edition) "Public Interest "is defined thus;

"Public Interest (1) A matter of public or General Interest does not mean that which is interesting as gratifying curiosity or a love of information or amusement but, that in which a class of the" community " have a pecuniary interest , or some interest by which their legal rights or liabilities are affected".

In Para 16; " As noted Supra, a time has come to weed out the petitions, which though titled as Public Interest Litigation(PIL) are in essence something else. It is shocking to note that Courts are flooded with large numbers of so called Public Interest Litigation (PIL) where even a minuscule percentage can legitimately be called as Public Interest Litigation (PIL)".

- (ii) In Ashok Kumar Pandey Vs. State of West Bengal, reported in 2004(3) SCC 349, the Hon'ble Apex Court, after considering few decisions, on the aspect of Public Interest Litigation, observed as follows:

"4. When there is material to show that a petition styled as a Public Interest Litigation is nothing but a camouflage to foster personal disputes, such petition is to be thrown out.

Seeking information(s) under RTI, Act, 2005 has now come to occupy an important field in the administration of law and development of the Nation, State and Society and so the right should not be in "Publicity interest" or "Private interest" or "Politics interest" or the latest trend "Paisa income".

If not properly regulated and abuse averted, it becomes also a tool in unscrupulous hands to release vendetta in personal interests and wreck vengeance, as well, towards the PIO. There must be real and genuine Public Interest involved in the application for information(s) and not merely an adventure of knight errant or to poke ones/PIO's into for a probe. The provisions under RTI, Act, 2005 cannot also be invoked by a body of persons to further his or their personal grudge and enmity or monetary interest.

A person acting bonafide and having sufficient interest in the subject of information will alone have a locus standi and can apply for information to the office of the PIO, but not for Private Profit or Political motive or any oblique consideration.

- (iii) The oxford dictionary describes the meaning of community as "a group of individuals connected by a common location or characteristic, or bonded through shared goals, interests and vision.

The Black's Law Dictionary defines "Public" as relating to the whole community, Nation, or State. It can also mean something that is open to all, common to many, or general.

The Black's law dictionary yet describes "community" as a group of people who live in the same place, have common rights and privileges and are governed by the same laws and regulations.

(iv) The **RTI Act 2005**, is a law enacted by the law makers of the Country to see that information pertaining to welfare schemes be made public in the General interest of the public by seeking information through the procedural laws of RTI Act 2005.

The above cited observations, statements definitions are some of the cases where the Supreme Court and the High Court broadened the scope of "Public Interest".

Pursuant to the above circumstance and the procedural laws of RTI Act 2005, the Commission finds that the Appellant is not a public from Bordumsa, Changlang District and he is not a public to be benefitted by the social scheme namely "Jal Jeevan Mission (JJM) for which details he has applied the information(s) from the PIO, thereby unnecessarily wasting the precious time of the office of the PIO as well as of the Commission, without any public interest.

The Form-A application submitted by the Appellant clearly indicates that he is resident of a Hotel which is a public place where as the Appellant is a practicing Advocate. It is imperative that Advocates are aware of the professional obligations and ethical considerations surrounding their communication and correspondence. Specifically, it is essential to note that Advocates should refrain from providing their address in a public place like a hotel or bar, in any form of communication.

Pursuant to the Bar Council of India's rules and regulations, Advocates are required to provide their proper and permanent address for the purpose of correspondence and communication. Providing a public place as one's address for correspondence is not only unprofessional but also illegal.

Whereas, the Appellant confessed in the court that he is a permanent resident of Chandranagar, Itanagar and living in a house in the back side of the Itanagar Municipal Coporation (IMC) office. This establishes that he is part of the Itanagar/Chandranagar Public.

In contrast, the Public Information Officer (PIO) addressed in this Appeal provides the public duties and services specifically for the residents of Changlang District of Arunachal Pradesh.

And that the information(s) sought by the Appellant for the works undertaken by the PIO's office also is for the interest of the public of Changlang District and not for the public of Itanagar/Chandranagar/Chimpu, under Papumpare District, where from the Appellant is a public.

Therefore, the Commission observes that the information(s) sought by the Appellant are not in the interest of the public of Changlang District.

Had the Appellant been a public of Bordumsa, Changlang District, his application for the information(s) as well as his appeal for the information(s) would have been judged as in the public interest of the Changlang District.

This distinction of the Appellant been public of Papumpare District, and the PIO serving only the interest of Changlang District, suggests that the intent of the Appellant may not align with the interests or well-being of the people of Changlang District.

Therefore, it raises questions about the relevance of his appeal for the welfare of the local public services and the efficacy of addressing the needs of the Changlang Community/Public.

Finding of the Commission:

a) Locus standi: The principle of locus standi dictates that a party must have a sufficient legal interest in the matter to be heard by the court. Upon review of the submissions made by the Appellant, it is clear that he is not a public of Bordumsa, Changlang District while the PIO and the projects/social scheme for which the Appellant has applied for information(s) are solely meant for the public interest of Bordumsa, people under Changlang District and if any information(s) needed pertaining to the scheme(s) for which this appeal is preferred will be initiated/applied by an individual who is a public of Bordumsa as well as Changlang District. But, the instant Appellant is from Chimpu, Papum Pare District.

Therefore, the Appellant lacks the requisite standing to pursue this appeal.

b) Address for communication:

Furthermore, it is a procedural requirement under the RTI, Act, and applicable rules that the Appellant must provide a valid and proper address for communication. In this instant case, the Appellant has failed to furnish a complete and accurate address for the purpose of communication with him, through post and for which reason, the letter sent to him from the PIO's office was re-directed back to the PIO, with a note "Addressee not found".

This fundamental omission of a correct/proper/legal address hinders the ability of the court and the PIO to engage effectively with the Appellant regarding this appeal.

Conclusion:

In light of the above findings, it is clear that the appeal is untenable due to the Appellant's lack of locus standi and failure to provide a proper address for communication.

And now therefore: The Commission hereby orders:

Under the above stated facts and circumstances and pursuant under the Laws of RTI, Act and the legal procedural processes: this Appeal is hereby dismissed.

Judgment order pronounced in the open Court of this Commission today on this **4th day of March' 2025**, copy of judgment order be furnished to both the parties.

Given under my hand and seal of this Commission/Court on this **4th day of March' 2025**.

Sd/-

(Vijay Taram)

State Information Commissioner
APIC-Itanagar

Memo.No.APIC-628/2023/690

Dated Itanagar, the 11th March, 2025.

Copy to:

1. PIO-Cum-Executive Engineer, PHE&WS, Dept. Bordumsa, Changlang District, Govt of Arunachal Pradesh for information and necessary action please. **Pin Code-792120.**
2. Shri Takam Sakap, 3D Hotel Chandranagar, Itanagar, P/Pare District Arunachal Pradesh for information please. **Contact No. 9366385390**
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