



ARUNACHAL PRADESH INFORMATION COMMISSION, (APIC)

TANAGAR.

**An Appeal Case U/S 19(3) of RTI Act, 2005
Case No. APIC- 285/2024.**

**(Summon to appear in person)
(Or.5, R.3 of CPC)**

Shri Mamu Sono, Sood Village Naharlagun,
District Papum Pare (A.P)

: APPELLANT

Vs

The PIO, o/o the E.E (WRD), Namsai Division,
Namsai District (A.P)

:RESPONDENT

SUMMON

This is an appeal under Section 19(3) of RTI Act, 2005 received from Adv. Mamu Sono for non-furnishing of information by the PIO, o/o the E.E, (WRD), Namsai Division, Namsai District (A.P) as sought for by him under section 6(1) (Form-A) of RTI Act, 2005 vide his application dated 16.07.2024.

The facts emerging from this appeal are that the applicant / appellant, Shri Mamu Sono had requested the PIO, o/o the E.E, (WRD), Namsai Division, Namsai for 30(thirty) point information regarding the implementation of the **c/o Flood protection work at right bank of Tenga Pani river (Narayan Ghat)** under Namsai Division. But having failed, apparently, to obtain the sought for information, the applicant / appellant approached the First Appellate Authority (FAA), the Chief Engineer (WRD)(Eastern Zone), Miao vide his Memo of Appeal dt.26.08.2024 under section 19(1) of the RTI Act, 2005. However, having failed yet again to obtain the information from the PIO, the applicant / appellant has filed his 2nd appeal before this Commission under section 19(3) of the RTI Act vide his Memo of Application dt.16.10.2024.

This appeal was, thus, listed for hearing on 6th December, 2024 wherein the appellant, Shri Mamu Sono was present in person and Shri B.Kri, Advocate attended the hearing on behalf of the PIO through V.C.

Heard both the appellant and the Counsel for the PIO. The appellant reiterated his demand for the information he has sought from the PIO. The Counsel for the PIO, while referring to an earlier decision of the FAA dt.27.06.2023 passed in APIC-1024/2023 by which the appellant was advised to seek for "specific information for one scheme and for one financial year" reiterated the same stand in the present appeal as well and the appellant was also dully conveyed thereof vide letter dt.18.09.2024 the copy whereof is annexed in the present appeal to this Commission.

This Commission, however, observes from the FAA's letter dt.18.09.2024 that the FAA, without going into the merits of the appeal i.e. without applying his mind to the nature of information sought for by the appellant as to whether the same are disclosable, whether they are hit by any of the exemption clauses under section 8 of the RTI Act, had merely advised the appellant to narrow down the demand for information citing this Commission's 30 May, 2024 advisory. In this regard, this Commission apprised the Counsel for the PIO of the review of the said advisory by this Commission on 19.11.2024 which now stands as under:

- “(a)that the word, ‘Scheme’ appearing in the condition (a) of the resolution dt.08.05.2024 shall be read and mean as ‘funding head’ or ‘funding programme’ or ‘funding source’ viz., SIDF, RIDF, PMGSY, ADA, SADA, BE/RE, MLA/MP LAD etc. and
- (b) that the public authorities, particularly the departments implementing or executing various developmental works/projects shall not *repeat* shall not reject the RTI applications citing the 08.05.2024 decision of the APIC but shall furnish the information against whatever number of schemes under whatever number of ‘funding head’ or ‘funding programme’ or ‘funding source’ and for whatever number of financial year as may be possible and feasible, however, subject to the condition that the RTI applicants shall not seek for vague, indiscriminate and disproportionate information keeping in mind the ruling of 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).”

This Commission, therefore, holds that this appeal ought to be considered and adjudicated in the light of the above revised advisory which could be done by way of face to face discussion with both the appellant and the PIO’s physical presence.

The hearing of this appeal is, hence, adjourned to 17.01.2024 wherein the PIO, o/o the E.E, (WRD), Namsai Division, Namsai shall be present physically.

You are hereby summoned to appear in person in the Hon’ble Court of Shri Sangyal Tsering Bappu, **SIC in person on the 17th January, 2024, at 02.00 pm.** to answer the claims, and you are directed to produce on that day all the documents upon which you intend to rely in support of your claims/defense.

NOW THEREFORE, take notice that, in default of your appearance, on the day above-mentioned, the matter will be heard and determined in your absence.


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

Memo No. APIC-285/2024/ 865

Dated Itanagar, the 9 December, 2024

Copy to:-

1. The First Appellate Authority (FAA), the Chief Engineer (WRD)(Eastern Zone), Miao for information and ensuring compliance by the PIO please.
2. The PIO, o/o the E.E, (WRD), Namsai Division, Namsai District (A.P) for information & compliance please.
3. Shri Mamu Sono, Sood Village Naharlagun, District Papum Pare (A.P) PIN: 791110 Mobile No. 9436215521 for information.
4. The Computer Programmer/Computer Operator for uploading on the Website of APIC, please.
5. Office copy.
6. S/Copy.


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