



**ARUNACHAL PRADESH INFORMATION COMMISSION
ITANAGAR**

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

No.APIC-564/2023

Dated, Itanagar the **30th April, 2024**

Appeal Under Section 19(3) RTI Act, 2005

Appellant: Shri Riya Taram, C/o Hotel River View, Naharlagun, Arunachal Pradesh, PIN-791110, (M) 9383103387 / 940244369.

Vs

Respondent: *Shri S.S. Singh, the PIO-cum-EE(PWD), Govt. of A.P. Department of Public Works, Namsai Division, Namsai District, Arunachal Pradesh. PIN-792103.*

ORDER

This is an appeal under Section 19(3) of RTI Act, 2005 received from Shri Riya Taram, C/o Hotel River View, Naharlagun, Arunachal Pradesh for non-furnishing of information by the SPIO-cum-EE(PWD), Govt. of A.P. Department of Public Works, Namsai Division, Namsai District, Arunachal Pradesh as sought by the Appellant under section 6(1) of RTI Act, 2005 vide Form-A Dated 17/04/2023 regarding SIDF/ Additional (SIDF)/ BE/ Additional BE/ RE / Additional RE/ SADA / MLA LAD / MPLAD/ SPA / SJETA/CCI/CMCSR (Chief Minister comprehensive state Road Plan) with guidelines / BADP/Maintenance / Supply works of PWD Namsai Division.

The 4th hearing is held on 30th April, 2024 as scheduled. *Shri S.S. Singh, the PIO-cum-EE(PWD), Govt. of A.P. Department of Public Works, Namsai Division, Namsai District, Arunachal Pradesh is represented by Shri B. Sha, APIO-cum-AE (PWD), Namsai Division. The Appellant Shri Riya Taram is present. The APIO has submitted that delay in responding to the Appellant and attending the court hearing was due to transfer and posting of the PIO-cum-EE (PWD) Namsai Division and engagement in election duty. Though late, they had made correspondence with the Appellant, the information sought are of multiple schemes, vague and voluminous, so they had asked him to seek specific information. There was no reply from the Appellant. On the other hand the Appellant submitted that he has not received any correspondence from the PIO.*

The Commission under clause (b) subsection-(1) of section (6) of the RTI Act, 2005 directed the Appellant to specify information in view of subsection (9) of section (7) of the RTI Act so that it would not disproportionately divert the resources of the public authority or would be detrimental to the safety or preservation of the record in question. The Appellant was adamant and insisted for all the information as sought for by him.

The commission from perusal of the case records, it is noted that the information sought for by the Appellant is regarding "SIDF/ Additional (SIDF)/ BE/ Additional BE/ RE / Additional RE/ SADA / MLA LAD / MPLAD/ SPA / SJETA/CCI/CMCSR (Chief Minister comprehensive state Road Plan) with guidelines / BADP/Maintenance / Supply works of PWD Namsai Division", and total 35 nos of details of information for each project / schemes for the year 2016 to 17/04/2023, i.e. for eight years. It is pertinent to mention here that under each project /scheme there are multiple works and furnishing 35 nos of details of information for each work for the 8 years will hamper other public developmental duties of the public authority and it will cause huge losses to public exchequer and divert the resources. It is relevant to mention below the Hon'ble Supreme Court's observations relating to impractical demands of the appellants in the case of CBSE vs Aditya Bandopadhyay & Ors on 9 August, 2011, Civil Appeal No.6454 of 2011[Arising File no.: CIC/DHEDU/A/2018/145972

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

Therefore, the Commission directs the PIO to furnish complete and authenticated information for some specific one work under his control and for the rest furnish AFFIDAVIT duly signed before the Notary Public or Judicial Magistrate stating *justifiable reasons for inability to furnish* information as sought by the Appellant.

Both the parties are directed to appear before the Commission's court in the next date of hearing. In case the PIO fails to appear, the Commission shall initiate action under section 20(2) of the RTI Act and if Appellant remains absent the Commission shall dispose of the case without any further notice, presuming that the Appellant has received the information and is satisfied with the same.

The next date of hearing is fixed on 2nd July, 2024 (Tuesday) at 1030 hrs.

Therefore, the SPIO-cum-EE(PWD), Govt. of A.P. Department of Public Works, Namsai Division, Namsai District, Arunachal Pradesh is hereby summoned to appear before this Court in person on the scheduled date and time without fail.

Order copies be issued to all the parties.

Sd/-

(Rinchen Dorjee)

State Chief Information Commissioner
Arunachal Pradesh Information Commission

Itanagar

Dated, Itanagar the 2nd May, 2024

Memo No. APIC-564/2023 / 1184

Copy to:

1. The Chief Engineer-cum-FAA, Govt. of A.P., Department of Public Works, Eastern Zone, Arunachal Pradesh to ensure attendance of *Shri S.S. Singh, the* PIO-cum-EE(PWD), Govt. of A.P. Department of Public Works, Namsai Division, Namsai District, Arunachal Pradesh, before the Hon'ble Court of State Chief Information Commissioner, APIC, Itanagar
2. The Deputy Commissioner, Govt. of A.P. O/o the Deputy Commissioner, Namsai District, Arunachal Pradesh, PIN-791103, to ensure attendance of *Shri S.S. Singh, the* PIO-cum-EE(PWD), Govt. of A.P. Department of Public Works, Namsai Division, Namsai District, Arunachal Pradesh, before the Hon'ble Court of State Chief Information Commissioner, APIC, Itanagar.
3. Computer Programmer, APIC, Itanagar, to upload in APIC Website.
4. Case file.

Registrar /Dy. Registrar
Arunachal Pradesh Information Commission
Itanagar