



ARUNACHAL PRADESH INFORMATION COMMISSION, (APIC)
ITANAGAR.

An Appeal Case U/S 19(3) of RTI Act, 2005
Vide Case No. APIC- 940/2023.

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

Shri Riya Taram RTI Secy. (ALSU) **APPELLANT**
Adv. Takam Sakap C/o Hotel River View Naharlagun
PIN: 791110

Vs

The PIO, o/o the Executive Engineer, Water **RESPONDENT.**
Resources Department (WRD), Kanubari Division,
Longding District, Arunachal Pradesh.
PIN :792130

ORDER/SUMMONS

This is an appeal under Section 19(3) of RTI Act, 2005 received from Shri Riya Taram for non-furnishing of information by the PIO o/o the Executive Engineer, Water Resources Department (WRD) Kanubari Division, Longding District, Arunachal Pradesh as sought for by him under section 6(1) (Form-A) of RTI Act, 2005 vide application dated 19.07.2023

Facts of the case:

The Appellant, Shri Riya Taram, vide his application dt. 19.07.2023, had sought 28 (twenty eight) point information against the fund allocated under PMKSY-HKPP/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 Kanubari Division from 2016 to till date from the PIO o/o the Executive Engineer (WRD) Kanubari Division Changlang.

Record reveals that the, the appellant had filed First Appeal before the First Appellate Authority (FAA) i.e the Chief Engineer (WRD) (E.Z), Miao vide his 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 his 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 finds that this appeal having not been adjudicated at the level of the FAA as required under section 19(1) of the RTI Act, is fit to be remanded to him

for adjudication. However, since the application for the information was filed more than one year back and the APIO o/o the Executive Engineer (WRD) Kanubari Division, Changlang is present in the hearing, the Commission took up the appeal for hearing and accordingly, heard the APIO, Er. Shri Tassar Tatam (ASW), Kanubari Division. The Appellant, Shri Riya Taram is, however, absent. So the appeal was heard in his absence.

The APIO contended that that the information(s) sought for by the appellant is so voluminous and indiscriminate that it will not be possible for the department to collate such information pertaining to multiple number of years i.e for eight years (2016 to 2023) and for numerous Funding Programmes such as under PMKSY-HKCP/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 APIO submitted that at the most it may be possible to provide the information for 2(two) years i.e for the F.Y 2022-23 and 2023-24 against the PMKSY-HKCP/CLUSTER SMI SCHEME, SIDF, BE & RE and further submitted that no schemes under MLA-LAD/MP-LAD/SPA/SJETA,CCI/ CMCPR/BA/SCA-TSS etc. were taken up by the Division.

In adverting to the submission of the APIO vis-à-vis the nature and the form in which the appellant has sought the information, it is felt 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.”

What could be understood from the language of the provision 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.**

It 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 the principles of law as laid down by the Hon'ble Supreme Court in the CBSE case (supra) and after perusing the information sought for by the appellant in the instant case the information is indeed, voluminous and indiscriminate inasmuch as the same pertains to past 8 years (2016 to 2023) and for numerous funding programs such as PMKSY-HKKP/CLUSTER SMI SCHEME / SIDF / BE / RE / SADA / ADA / MLA-LAD / MP -LAD / SPA / SJETA etc.. This Commission is, therefore, of the opinion that the request of the appellant is disproportionate, indiscriminate and impractical request and hence, this Commission directs the PIO to furnish information for 2(two) Financial Years i.e for the F.Y 2022-23 and 2023-24 against the PMKSY-HKKP/CLUSTER SMI SCHEME, SIDF, BE & RE as agreed to by the APIO, Er. Shri Tassar Tatam (ASW) o/o the Executive Engineer (WRD) Kanubari Division, Changlang within 4(four) weeks from the date of receipt of this order and the Appellant shall report his satisfaction or otherwise thereon before the next date of hearing which is fixed on **1st November, 2024 at 02.00 pm.**

NOW THEREFORE, the parties are hereby directed to appear in the Hon'ble Court of Shri Sangyal Tsering Bappu, SIC in person on the above date and time without fail.

To avail online hearing please notify or get in touch one day prior to the hearing, download "**WEBEX MEETING APP**" from Google Play store. For further technical assistance Shri Himanshu Verma, IT Consultant (Mobile no. 8319014957) maybe contacted.

Sd/-

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

Dated Itanagar, the 1st Sept, 2024

Memo No. APIC- 940/2023/ 234
Copy to:-

1. The PIO o/o the Executive Engineer, Water Resources Department (WRD) Kanubari Division, Longding District, Arunachal Pradesh PIN: 792130 for information & necessary action.
2. Shri Riya Taram, RTI Secy. (ALSU) Adv. Takam Sakap and Adv. Lokam Tadam, c/o Hotel River View Naharlagun PIN: 791110 / Mobile no. 9383103387/9402443699 for information & necessary action please.
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.

Deputy Registrar
Arunachal Pradesh Information Commission
Itanagar