सत्यमेव जयते

सूचना का अधिकार
RIGHT TO INFORMATION

ARUNACHAL PRADESH INFORMATION COMMISSION, (APIC)
TANAGAR.

An Appeal Case U/S 19(3) of RTI Act, 2005
Case No. APIC- 248/2024.

Shri Chou Chali Simit Vill, Manfaiseng,
PO. Nanma Shyam, Dist. Namsai (A.P) : **APPELLANT**

Vs

The PIO, o/o the Executive Engineer, (PHED & WS) : **RESPONDENT**
Namsai Division, Dist. Namsai (A.P)

INTERIM ORDER

This is an appeal under Section 19(3) of RTI Act, 2005 received from Shri Chou Chali Simit for non-furnishing of information by the PIO, o/o the Executive Engineer, (PHED & WS) Namsai Division, District Namsai, (A.P) as sought for by him under section 6 (1) (Form-A) of RTI Act, 2005 vide his application dated 08-11-2023

The appellant, Chou Chali Simit had requested the PIO for the following information regarding JJM, LOC from the FY-2018 to till date:

1) U.C and CC of Manfaiseng and 2 Mile (Koseng) Village under JJM; and
2) LOC from the year 2018 to till date.

Having failed to obtain the sought for information from the PIO, the Appellant filed appeal before the First Appellate Authority, the Chief Engineer, (Eastern Zone) PHED & WS), Namsai vide his Memo of Appeal Dt.09.01.2024 under section 19(1) of the ARTI Act, 2005.

Records reveal that on being approached by the Appellant, the First Appellate Authority, the Chief Engineer, (Eastern Zone) PHED & WS), Namsai conducted the hearing on 30.07.2024 wherein both the appellant and the PIO, o/o the o/o Executive Engineer(PHE & WS) Division, Namsai were present and accordingly, after hearing both the Appellant and the PIO, the FAA disposed of the appeal with the following direction:

"On hearing both parties, the FAA directed the Appellant to seek information for one specific scheme for one financial year in pursuance of minutes notified by the CIC (Chief Information Commission) vide No. CIC/09/2016/103 dt.8th May, 2024. Therefore, the case stands disposed."

Records also reveal that subsequent to filing of his RTI application dt.08.11.2023, the applicant/appellant, vide his application dt.27.02.2024 had requested the PIO for allowing field visit and verification of the work. However, the Appellant, apparently, neither received the sought for information nor could he undertake the inspection of the work. Hence, this 2nd appeal before this Commission under section 19(3) of the RTI Act, vide his Memo of Appeal dt.04.09.2024.

This appeal was, thus, listed for hearing today on 20.11.2024 wherein Er. Shri Gumku Maga, J.E o/o the Executive Engineer(PHE & WS) Division, Namsai attended in person on behalf of the PIO and the Appellant, Chou Chali Simit attended through the V.C. Heard both of them.

The Appellant, while reiterating his demand for the information and for the inspection of the work pleaded for an appropriate direction to the PIO in this regard. On the other hand the representative of the PIO, while reiterating the readiness of the PIO to furnish the information for specific scheme for one financial year as directed by the FAA, resisted the demand for the inspection of the work citing a Delhi High Court order dt.29.09.2015 passed in WP(C) 4675/2012 (PIO of Govt. of NCT Delhi Vs. Saurabh Sharma and ors.)

This Commission is, however, of the considered view that unlike the judgement of Supreme Court of India under Article 141 of the Constitution of India, the Delhi High Court judgement, wherein it has been held *that information, as defined in the RTI Act, does not take within its ambit information to be derived from carrying out physical verification of properties and carrying out investigation*, is not binding and therefore, this Commission is not inclined to accept the stand of the PIO.

The PIO is, therefore, directed to permit / facilitate inspection /verification of the work as requested by the Appellant in terms of the statutory definition contained in section 2(j) of the RTI Act, 2005 which reads as under:

"2(j) "right to information" means the right to information accessible under this Act which is held by or under the control of any public authority and includes the right to-

(i) Inspection of work, documents, records;"

The PIO is further directed to furnish the sought for information for one financial year as directed by the FFA in its order dt. 30.07.2024 and assured by the representative of the PIO as also agreed to by the Appellant during the hearing.

The Appellant is also directed to collect the information from the PIO and conduct the site inspection/ verification of works within 2(two) weeks from the date of receipt of this order and report his satisfaction or otherwise to this Commission whereafter the next date of hearing, if required, shall be fixed and intimated to the parties.

Given under my hand and seal of this Commission on this 21st November, 2024.

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

Memo No. APIC-248/2024/ 327 Dated Itanagar, the 21st November, 2024
Copy to: -

1. The First Appellate Authority, the Chief Engineer, (Eastern Zone) PHED & WS), Namsai (A.P) for information.

2. The PIO, o/o the Executive Engineer, (PHED & WS) Namsai Division, Dist. Namsai (A.P) for information and compliance.

3. Shri Chou Chali Simit, Vill. Manfaiseng, PO. Nanam Shyam, Dist. Namsai (A.P). PIN – 792103, Mobile No. 8119978818 for information necessary action.

4. The Computer Programmer/Computer Operator for uploading on the Website of APIC, please.

5. Office copy.

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Registrar/ Deputy Registrar
APIC, Itanagar

Deputy Registrar
Arunachal Pradesh Information Commission
Itanagar