

ARUNACHAL PRADESH INFORMATION COMMISSION, (APIC)
ITANAGAR, ARUNACHAL PRADESH



NO. APIC 640/2023

Dated Itanagar the 4th September, 2024

The Director (Rural Development),
Government of Arunachal Pradesh,
Itanagar.

Sub:- Forwarding of Show Cause Notice For Causing service to Shri Opang Darang R.O and PIO, Directorate of Rural Development, Govt. of A.P Itanagar.

Sir,

I am forwarding herewith a copy of Show Cause notice issued against Shri Opang Darang, PIO, o/o the Directorate of Rural Development, Itanagar, in duplicate issued by the Hon'ble Court of Shri Sangyal Tsering Bappu, State Information Commissioner, APIC, Itanagar for causing service to him through your good office.

You are, therefore, requested to cause service of this Show Cause Notice to Shri Opang Darang R.O and the PIO, o/o the Directorate of Rural Development, Itanagar, and to return the service copy (duplicate) for records.

Sd/-
(Sangyal Tsering Bappu)
State Information Commissioner,
APIC, Itanagar

Memo. No. APIC- 640/2023/166

Dated Itanagar, the 5th September, 2024.

Copy to: -

1. Shri Opang Darang, Research Officer-cum-PIO, Directorate of Rural Development Dept. Govt. of Arunachal Pradesh Itanagar for information and necessary action please.
2. Shri Tai Shiva, Vill.-Lekha-Tomru Segment, P.O/P.S-Doimukh, Ph-6909662248, pin-791112 Papumpare Dist., Arunachal Pradesh for information.
3. The Computer Programmer/ Computer Operator for uploading on the Website of APIC, please
4. Case File


Registrar/ Deputy Registrar
APIC, Itanagar.

Deputy Registrar
Arunachal Pradesh Information Commission
Itanagar



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**ARUNACHAL PRADESH INFORMATION COMMISSION ITANAGAR
BEFORE THE HON'BLE COURT OF SHRI SANGYAL TSERING BAPPU, STATE
INFORMATION COMMISSIONER**

No. APIC-640/2023

Dated, Itanagar the 4th Sept., 2024.

**Shri Tai Shiva, Vill-Lekah-Tomru Segment,
PO/PS Doimukh, Papum Pare District (A.P)**

**Vs. Shri Opang Darang, Research Officer-cum-
PIO(RTI), Rural Development Department,
Govt. of A.P, Itanagar, (AP)**

SHOW CAUSE NOTICE

(Form-4 CPC r/w Section 20 (1) and (2) of the RTI Act, 2005)

To,

Shri Opang Darang, Research
Officer -cum-PIO, Directorate of
Rural Development, Govt. of A.P, Itanagar, (A.P).

1. **WHEREAS** Shri Tai Shiva, Lekha-Tomru Segment/ Village, Doimukh Papum Pare District Arunachal Pradesh filed an application dated 27/04/23 before the PIO, Directorate Rural Development Itanagar, Shri Opang Darang, Research Officer seeking the following information:

1. Particulars of information: **Preparation and Implementation of Watershed Development Projects under PMKSY 2.0 for the State of Arunachal Pradesh.**

2. Details of information:

- a) Copy of the letter vide no. CD(RE)-SLNA/ITA/01-2021-22 (PMKSY-2.0) dated 06/01/2022 with;
- (i) Copy of the directive given by the Steering Committee on 04/01/2022.
- (ii) Copy of instruction given by the Ministry while preparing the PPR.
- (iii) Approval Copy of the Chairman SLSC, Arunachal Pradesh.
- (b) Copy of the letter vide No. DRD/PMKSY 2.0 /2021-22 dated 20/01/2022 with;
- (i) Proposal submitted by the representative of 60 Assembly Constituencies.
- (ii) Name of works (Schemes) / Plans prepared by the Watershed Development Team with its approval copies, maps, and details locations of the projects.
- (c) Installment wise sanctioned order copies of the central and state Govt. with;
- (i) Approval copies of concern Minister/ Cabinet Ministers, Govt. of Arunachal Pradesh for release/ sanction of the project fund.
- (ii) Details of amount drawn and transferred electronically from the Govt. into the HDFC Bank, Itanagar branch in favour of Chief Executive Officer, SLNA Project fund account no.50100410022651.
- (iii) Account details of IFSC code no. HDFC0001643 with details of amount transferred from CEO, SLNA Project fund account no.50100410022651.
- (iv) Details of Watershed Cell cum Data Centre's (WCDCs) with money receipts of WCDC and PIA of the sanction orders dated 11/05/2022 & 31/10/2022 issued by the Director (RD) -cum-CEO, SLNA for preparatory phase of WDC-PMKSY 2.0 Projects.
- (v) Details of projects fund accounts of Watershed Committees/PIAs with Details of amount transferred.

- (d) Periodical Monitoring and field visit progress reports of implementation of the projects. (e) Details of Watershed Development Team (WDTs).
- (f) Details of rights and activities conferred in the CPRs (Conservation, Preservation).
- (g) Memorandum of Understanding(s).

3. Period for which information is required: 2021 to till date (27.04.23).

(2) **AND WHEREAS** the said Shri Tai Shiva filed appeal memo dated 5-6-23 before the Director- cum- FAA Rural Development Department under Section 19(1) of RTI Act, 2005 on the ground of non-furnishing of the information by the PIO.

(3) **AND WHEREAS** Shri Tai Shiva filed 2nd appeal dated 12-07-23 before the State Information Commission under Section 19(3) of the RTI Act on the ground that the information furnished by the PIO is incomplete.

(4) **AND WHEREAS** this Commission had taken up the appeal and heard for two times on 31-01-24 and 12-06-24 and passed the following order directing the PIO to furnish the information to the appellant within a period of four weeks from the date of the receipt of the orders:

“Hearing and decision:

The 1st hearing of the appeal was held on 31.01.2024.

On perusal of the records, it reveals that the PIO had furnished most of the sought for information and as such in the 1st hearing of the appeal on 31.01.2024 the PIO was directed to furnish the left-out information to the appellant before the next date of hearing.

In today's hearing on 12.06.2024, the appellant was present but the PIO had deputed one Ms. Tongyang Annu, E.O (RE)-cum-APIO, Department of Rural Development.

Records reveal that during the intervening period between 31.01.2024 and 12.06.2024, the Joint Director (RE), R.D department, vide his letter No.CD(PLG)555/2023 (RTI) dt.04.04.2024 addressed to the appellant, Shri Tai Shiva, forwarded a copy of Reserve Bank India's Disclosure Policy and intimated that most of the information (documents) sought for by him (appellant) had already been furnished on 14th June, 2023 except the details of amount drawn and transferred with PIAs (Project Implementing Agencies) which could not be disclosed as it comes under Disclosure Policy of RBI under section 8 (1)(a) (d) and (e) of the RTI Act, 2005.

In course of hearing, the appellant submitted that the grounds taken by the Joint Director that disclosure of information i.e the details of amount drawn and transferred to the PIAs (Project Implementing Agencies) is exempted under section 8(1)(a) (d) and (e) in terms of the Disclosure Policy of the RBI cannot be accepted as the same is not covered by the exemption clauses under section 8(1). He further submitted that the information sought is a matter of larger public interest that involves a large amount of public fund granted by the Central Govt for important developmental projects.

The provisions of section 8 (1)(a) (d) and (e) of the RTI Act are reproduced hereunder:

“(1) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen. -

(a) information, disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interest of the State, relation with foreign State or lead to incitement of an offender;

(b)

(c)

- (d) information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party unless the competent authority is satisfied that larger public interest warrants the disclosure of such information;
- (e) information available to a person in his fiduciary relationship, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information;
- (f)
- (g)
- (h)
- (i)"

In the instant case the information sought for by the appellant vide his application dt.27.04.2023 in Form-A, among others, is the details of Watershed Cell-cum-Data Centres (WCDCs) with money receipts of WCDC and PIA of the sanction order dt.11.05.2022 & 31.10.2022 issued by the Director (RD)-cum-CEO, SLNA for prepatory phase of WDC-PMKSY 2.0 Projects.

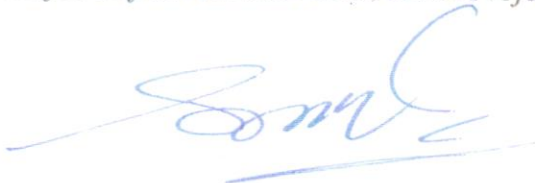
The appellant had also sought the details of amount drawn and transferred electronically from the Govt. into HDFC Bank Itanagar branch in favour of the Chief Executive Officer, SLNA Project A/C No.50100410022651 (point No.ii) besides the details of amount transferred from the said CEO, SLNA Project A/C (point No.iii).

Perused the relevant portion of the non-disclosure item at serial number-9 under the heading, 'Department of Government and Bank Accounts' as contained in the Disclosure Policy of the RBI which has been relied upon by the Joint Director (RD) in his aforesaid letter in denying the aforesaid portion of information to the appellant under section 8 (1)(a) (d) and (e) of the RTI Act.

Also perused the items of information(s) as sought for by the Appellant in his aforesaid application dt.12.07.23 and it is observed that the information sought for by the appellant are not covered by the Clauses (a) and (d) of section 8 (1) and therefore the issue in question has been examined vis-à-vis the provisions of clause (e) which deals with the information maintained in fiduciary relationship which, seemingly, has been relied upon by the Joint Director (RD) in his letter in denying the information to the appellant.

The Commission observes that the reliance placed on the said RBI Policy by the department/PIO in denying the information to the appellant is totally misplaced for the following reasons:

- a) the said RBI policy is meant for the RBI to be followed by its various departments in dealing with the disclosure of information maintained by them in a fiduciary capacity such as the details and operations of accounts of Central and State Governments.
- b) the information sought for by the appellant is with regard to the details of Watershed Cell-cum-Data Centres (WCDCs) with money receipts of WCDC and PIA of the sanction order dt.11.05.2022 & 31.10.2022 issued by the Director (RD)-cum-CEO, SLN and the details of amount drawn and transferred electronically from the Govt. into the account of the Chief Executive Officer, SLNA Project A/C No.50100410022651 besides the details of amount transferred from the said CEO, SLNA Project A/C.



- c) *the appellant has not sought the details of the bank accounts of any 3rd party so as to fall under the exemption clause (e) of section 8(1) but has sought the details of amount received by the State Govt. (Director (RD)-cum-CEO, SLNA) from the Central Govt. under WDC-PMKSY 2.0 Project and the amount allotted/sanctioned to various PIAs who are not 3rd party but the part of the public authority in question.*

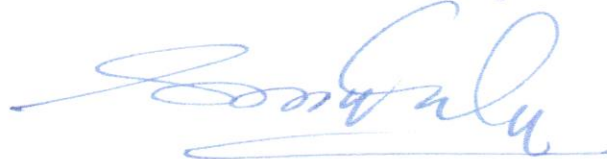
Under the premises as above and in view of the fact that it would be in the larger public interest to divulge the sought for information inasmuch as the same pertains to an important developmental project in the State, the Commission is not inclined to accept the grounds taken by the Joint Director (RD) in his letter dt.04.04.2024 in denying the information in question and therefore, the Commission directs the PIO to furnish the left-out information to the Appellant within a period of four weeks from the date of receipt of this order."

(5) **AND WHEREAS** Shri Tai Shiva, the Applicant/Appellant, vide his letter dated 12-08-24 (copy enclosed as Annexure – 1) informed this Commission that the PIO, Director, Rural Development, Itanagar is deliberately and intentionally not complying with the order of this Commission and no information has been furnished to him. He, therefore prayed this Commission for taking legal action against the PIO.

(6) **AND WHEREAS** this Commission has taken serious view of the non-compliance of its aforesaid order dated 18/06/24 and accordingly directs the PIO to show cause as to why necessary action under Section 20 of the RTI Act, 2005 should not be taken against him.

(7) **NOW THEREFORE** Shri Opang Darang, Research Officer-cum-PIO, Directorate of Rural Development Department, Govt. of A.P is directed to appear in person before this Commission on 20/09/24 at 2 pm along with the replies/ explanations.

Given under my hand and seal of this Commission on this day of 4th September,2024.



(S. Tsering Bappu)
State Information Commissioner