



ITANAGAR, ARUNACHAL PRADESH

An appeal case U/S 19(3) of RTI Act, 2005

Vide Case No.APIC-781/2023

**BEFORE THE HON'BLE COURT OF SHRI VIJAY TARAM, THE STATE
INFORMATION COMMISSIONER, UNDER SECTION 19(3) OF RTI ACT, 2005.**

Shri Nabam Sonu

..... Appellant

-VERSUS-

PIO-Cum-Executtive Engineer, PHE & WS,
Basar Leparada District,
Govt. of Arunachal Pradesh

..... Respondent.

Order: 18.02.2025.

JUDGEMENT

The 2nd hearing held on 18th February 2025, related to the APIC No.781/2023. The Appellant Shri Nabam Sono, absent consecutively for two times in the hearing without intimating to the Commission his reason for the inability to attend the hearing which sufficiently displays the non seriousness of the Appellant after making an appeal to this Commission. The PIO -cum- EE (PHE & WS) Division, Basar present during the hearing through online mode.

Heard the PIO,

The PIO stated before the Commission that after receipt of the RTI application, the PIO had sent a letter on dated 6/04/2023 to the Appellant to collect the documents from the PIO's office after depositing a sum of Rs 3770/- (Rupees three thousand seven hundred seventy) only but the Appellant has failed to collect the said information(s)till date.

The Commission observes;

- (i) The Appellant was absent on the 1st hearing held on 5th Dec'2024, without intimating to the Commission, the reason for his absence.
- (ii) The **Summon** was sent to the Appellant on 5th Dec'2024 to be present in the next date of hearing which is today on 18th February 2025, 1:30 PM.
- (iii) Despite the **summon from the** court of this Commission the Appellant has not bothered to attend the hearing for the consecutive second time, which sufficiently proves that he is not serious on his appeal and also the Appellant is showing disrespect to the procedural laws, under RTI Act 2005 even after being the Appellant himself.
- (iv) Impact on Procedure: The repeated failure of the Appellant to appear has resulted in systematic delay of judicial proceedings, impacting the PIO's right to a timely resolution of the case, thereby, also hindering the PIO to deliver other public duties.

- (v) Before deciding the present case, the Commission feels it necessary to consider the issue regarding "Public Interest" aspect.
- (vi) The **RTI, Act, 2005** is primarily considered to be in the "Public Interest" as it allows citizens to access government information(s), which is meant to promote transparency and accountability, thereby serving the welfare of the general public rather than any individual's personal interest alone; the key principle of the act is to disclose information(s) that benefits the larger community.

Purpose;

The main goal of the RTI, Act is to empower citizens to access information(s) held by government authorities, which helps to monitor government actions and prevent corruption, ultimately serving the public good.

Larger Public Interest Consideration;

Even if information is technically personal, it can be disclosed under RTI, Act, if the "Public Interest" in disclosure outweighs any potential harm. As given in Section 8(I) (j) in regard to "Public activity or interest".

- (i) The Hon'ble Madras High Court In Para **14(iii)(5) of the A. Vijaya Sekaran Vs Secretary to Government**, Home (Police) (iii) Department Fort St. George Chennai 9. has held as follows;

"It is necessary to take note of the meaning of Public Interest Litigation (PIL); in stroud's judicial dictionary, volume-4(iv addition) "Public Interest "is defined thus;

"Public Interest (1) A matter of public or General Interest does not mean that which is interesting as gratifying curiosity or a love of information or amusement but, that in which a class of the" community " have a pecuniary interest , or some interest by which their legal rights or liabilities are affected".

In Para 16; " As noted Supra, a time has come to weed out the petitions, which though titled as Public Interest Litigation(PIL) are in essence something else. It is shocking to note that Courts are flooded with large numbers of so called Public Interest Litigation (PIL) where even a minuscule percentage can legitimately be called as Public Interest Litigation (PIL)".

- (i) In Ashok Kumar Pandey Vs. State of West Bengal, reported in 2004(3) SCC 349, the Hon'ble Apex Court, after considering few decisions, on the aspect of Public Interest Litigation, observed as follows:

"4. When there is material to show that a petition styled as a Public Interest Litigation is nothing but a camouflage to foster personal disputes, said petition is to be thrown out.

Seeking information(s) under RTI, Act, 2005 has now come to occupy an important field in the administration of law and development of the Nation, State and Society and so the right should not be in "Publicity interest" or "Private interest" or "Politics interest" or the latest trend "Paiza income".

If not properly regulated and abuse averted, it becomes also a tool in unscrupulous hands to release vendetta and wreck vengeance, as well, towards the PIO. There must be real and genuine Public Interest involved in the application for information(s) and not merely an adventure of knight errant or to poke ones/PIO's into for a probe. The provisions under RTI, Act, 2005 cannot also be invoked by a body of persons to further his or their personal grudge and enmity.

A person acting bonafide and having sufficient interest in the subject of information will alone have a locus standi and can apply for information to the office of the PIO, but not for Private Profit or Political motive or any oblique consideration.

(i) The oxford dictionary describes the meaning of community as "a group of individuals connected by a common location or characteristic, or bonded through shared goals, interests and vision.

The Black's Law Dictionary defines "Public" as relating to the whole community, Nation, or State. It can also mean something that is open to all, common to many, or general.

The Black's law dictionary yet describes "community" as a group of people who live in the same place, have common rights and privileges and are governed by the same laws and regulations.

The **RTI Act 2005**, is a law enacted by the law makers of the Country to see that information pertaining to welfare schemes he made public in the General interest of the public by seeking information through the procedural laws of RTI Act 2005.

The above cited observations, statements definitions are some of the cases where the Supreme Court and the High Court broadened the scope of "Public Interest".

Pursuant to the above circumstance and the procedural laws of RTI Act 2005, the Commission finds that the Appellant is in contempt of court of this Commission as well as unnecessarily wasting the precious time of the office of the PIO as well as of the Commission.

The Form-A application submitted by the Appellant clearly indicates that he is a resident of Lekhi Village,

Naharlagun which is located in the Papum-Pare District of Arunachal Pradesh. This establishes that he is part of the Naharlagun Public in the Lekhi Village area of Arunachal Pradesh, India.

In contrast, the Public Information Officer (PIO) addressed in this Appeal serves the public duties and services specifically for the residents of Basar Town in the Leparada District of Arunachal Pradesh.

And that the information(s) sought by the Appellant for the works undertaken by the PIO's office also is for the interest of the public of Basar Town, Leparada District and not for the public of Lekhi Village, where from the Appellant is a public.

Therefore, the Commission observes that the information(s) sought by the Appellant are not in the interest of Basar Town public.

This distinction suggests that the intent of the Appellant may not align with the interests or well-being of the people of Basar Town or entire Leparada District.

Therefore, it raises questions about the relevance of his appeal to the local public services and the efficacy of addressing the needs of the Basar Community.

Now therefore, the Commission hereby orders;

- (i) The appeal filed by the Appellant is hereby decided ex-parte and dismissed after giving enough opportunity to the Appellant of being heard by sending consecutive notice of hearing. And under above facts and circumstances this appeal by Shri Nabam Sonu is hereby dismissed and closed with no liberty given to Appellant for filing fresh application to the same PIO on the same subject of information, as he has not filed the application for information(s) in the public interest.

Judgment order pronounced in the open Court of this Commission today on this 18th day of February 2025, copy of judgment order be furnished to both the parties.

Given under my hand and seal of this Commission/Court on this 18th day of February 2025.

Sd/-

(Vijay Taram)

State Information Commissioner
APIC-Itanagar

Memo.No.APIC-781/2023 /614

Dated Itanagar, the 28th 02 march
February, 2025.

Copy to:

1. PIO-Cum-Executive Engineer, PHE&WS, Basar, Leparada District, Govt of Arunachal Pradesh for information and necessary action please. **Pin Code- 791101.**
2. Shri Nabam Sonu, Lekhi Village, Naharlagun, P/Pare District Arunachal Pradesh for information please. **Contact No. 9402627443**
3. The Computer Programmer, APIC for uploading on the Website of APIC please.
- ✓ 4. Office Copy

Registrar/Dy. Registrar
APIC, Itanagar.

Registrar
Arunachal Pradesh Information Commission
Itanagar