BEFORE THE CENTRAL INFOMRATION COMMISSION

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July 18, 2009

Appeal against the decisions of the CPIO and Appellate Authority, Ministry of Water Resources, Government of India

By Swarup Bhattacharya 86-D, AD block, Shalimar Bagh, Delhi 110088

1. This is appeal under the Right to Information Act, 2005, against the decisions of **Shri Ram Kumar Sund, Under Secretary to the Govt of India & CPIO, Ministry of Water Resources, (B&B Wing, Shram Shakti Bhawan, Rafi Marg, New Delhi 110001)** and also the decision of **Shri Narender Kumar, Commission (B&B Wing) and the Appellate Authority, MWR (Shram Shakti Bhawan, Rafi Marg, New Delhi 110001)** following my RTI application to MWR on April 14, 2009. The matters under appeal have not been previously filed, or are pending, with any court or tribunal or with any other authority.

2. I had made an application under RTI to CPIO, Ministry of Water Resources, (B&B Wing, Shram Shakti Bhawan, Rafi Marg, New Delhi 110001) on April 14, 2009, see a copy of the application at Annexure 1. This was regarding the details of the meeting held by the Ministry of Water Resources (MWR) on the issue of storage projects in Siang, Subansiri and Lohir Rivers in Arunachal Pradesh and related papers.

Swarup Bhattacharya

3. I received a response from Shri Ram Kumar Sund dated May 13, 2009, No 18/2/2009-B&B/1707, see Annexure 2. His response said in para 2, "the Background Note and 'Summary record of discussions' of the aforesaid meeting are restricted documents... in terms of provision contained in Section 8(1) of the RTI Act, 2005".

4. On May 18, 2009, I sent an appeal to Shri Narendra Kumar, Commissioner and Appellate Authority, MWR, where I challenged the decision of the CPIO in not providing me the requested documents and related details and also for not responding to my request for correspondence with the states and others regarding the meeting mentioned in my RTI application. The appeal is attached at Annexure 3.

5. On July 1, 2009, I received the response (F No 18/2/2009-B&B/2478-79) dated June 29, 2009 from the Appellate Authority, with the decision that the CPIO decision was correct in not sharing the Background Note and Summary record of discussions of the meeting held on 18.03.09 under section 8(1)(a) of RTI Act 2005, "as these are restricted (classified) documents.

6. My case is as under: Section 8(1) (a) of RTI Act, 2005 reads:

> **8. (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 interests of the State, relation with foreign State or lead to incitement of an offence;**

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Swarup Bhattacharya

In this case, the information requested is pertaining to a meeting on the issue of Storage Projects (Dams) in Arunachal Pradesh, between the Ministry of Water Resources officials and those of the Ministry of Power, Department of North East Region, Ministry of Environment and Forests, Planning Commission, Central Water Commission, Central Electricity Authority, Govt of Arunachal Pradesh and Assam, NTPC, Dept of Economic Affairs. We see that this is a meeting about the issues concerning Development Project (Dams), and that this affects the people and public interest of peop'e of the region and the country. Disclosure of such information is very vital and important for the people as these decisions are going to involve the fate of large number of people and also use of very large public resources. Disclosure of such information cannot be said to "prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State, relation with foreign State or lead to incitement of an offence". Use of this section to deny such crucial information of public interest is a misuse of the section and should not be allowed. Hence this appeal to CIC.

7. **PRAYERS**: (a) Direct MWR to provide copies of the Background Note and 'Summary record of the discussions' regarding the meeting held in MWR on 18.03.09, as described above; (b) Direct MWR to change its information policy on such issues; (c) make any other appropriate order.

8. Grounds for the prayer are described in paragraph 6 above.

Saarup Bhattacharya

9. The list of documents referred to and attached is given at the end of this appeal, which includes chronology of dates.

Swarup Bhattacharya.

(SWARUP BHATTACHARYA)

VERIFICATION:

I, SWARUP BHATTACHARYA, do hereby verify that the contents of the above appeal are true and correct to the best of my knowledge and belief and nothing material has been concealed therefrom. Verified at New Delhi on this, the July 18, 2009.

Swarup Bhattacharya.

(SWARUP BHATTACHARYA)