Central Information Commission

Room No. 5, Club Building, Near Post Office
Old J.N.U. Campus, New Delhi – 110067
Tel No: 26161997

Case No. CIC/SS/A/2010/00055

Name of Appellant : Shri Swarup Bhattacharya

Name of Respondent :CPIO, Ministry of Water Resources, New Delhi

ORDER

Shri Swarup Bhattacharya, hereinafter called the Appellant, had filed an application dated 14.4.2009 seeking information on the following points under the RTI Act, 2005:-

1. Did the Ministry of Waterr Resources (MoWR) is recently held a joint meeting with the Home Ministry, the Planning Commission and the State Governments of Assam and Arunachal Pradesh to work out a suitable funding and compensation mechanism for storage projects on the Siang, Subansiri and Lohit Rivers?

2. Was it suggested at the meeting that 90 per cent of the funding of the flood moderation cost component of storage projects could be released to Arunachal Pradesh and Assam, which could then be passed on to the project authorities?

3. When was the meeting held, who all were present, what was the agenda? Please provide the agenda notes and minute of the meeting , as also the reasons for this meeting and correspondence with the states and others before and after the meeting.

Shri Ram Kumar Sund, CPIO/MoWR vide letter dated 13.5.2009 informed the Appellant that as regards information sought vide Item Nos.1 & 3 (1st part) of the application, a meeting regarding Storage Projects in Arunachal Pradesh was convened under the Chairmanship of Secretary, Water Resources on 18.3.2009. This meeting was attended by the senior officers of the Ministry of Power, Ministry of External Affairs, Ministry of DONER, Ministry of Environment & Forests, Planning Commission, Govt. of Arunachal Pradesh, Central Water Commission, Central Electricity Authority, NTPC and the Deptt. of Economic Affairs apart from senior officers of the MoWR. Though the officers from Ministry of Home Affairs, Govt. of Assam, and Brahamputra Board were also invited for the meeting but they did not attend.

Regarding information sought vide item 2 & 3 (2nd part) it was informed by the CPIO that the 'Background Note' and "Summary Record" of discussions of the aforesaid meeting are restricted documents. As such, these documents cannot be shared with the applicant in terms of Section 8(1)(a) of the RTI Act, 2005. Subsequently, the Appellant preferred an appeal against the orders of the CPIO before the First Appellate Authority (FAA). Shri Narendra Kumar, Commissioner (B&B)/FAA vide his letter dated 29.6.2009 held that the CPIO has rightly denied to share 'Background Note' and "Summary Record" of discussions of the meeting under Sub-Section 1(a) of Section 8 of the RTI Act, 2005 as these are restricted (classified) documents. Aggrieved with the replies of the Respondent, the Appellant filed the present appeal before the Commission in which he submits that the information sought pertain to a meeting on the issue of Storage Projects (Dams) in Arunachal Pradesh. He pleads that this meeting was about the issues concerning Development Projects (Dams) and that this affects the interests of the people 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. The Appellant pleads that the disclosure of such information cannot be said to "prejudicially affect the sovereignty and integrity of the country, 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 is misuse of the Section. The Appellant pleads that MoWR be directed to provide copies of Background Note and Summary Record of discussions regarding the meeting held on 18.3.2009.

The matter was heard on 7.6.2010.

Shri Himanshu Thakkar represented the Appellant.

Shri Narendra Kumar, Commissioner(B&B), Shri Ram Kumar Sund, US(B&B)/CPIO, and Shri Dilip Kr. Jena, Dy. Commissioner(NE) represented the Respondent.

During the hearing the Respondent reiterated the stand taken by them in their response to the RTI application. The Respondent submit that the disclosure of this information would affect the strategic and economic interests of the country and therefore the information has been denied under Section 8(1)(a) of the RTI Act, 2005. On the submission made by the Appellant that all three rivers are emanating from within the country and therefore no strategic interests of the country are involved, the Respondent submit categorically that the Ministry of Water Resources (MoWR) hold that all three rivers emanate from China. The discussions for providing Storage Projects on the three rivers in the upper reaches in Arunachal Pradesh is at a preliminary stage and it would not be in the public interest to provide copy of the Background Note and Summary Record of Discussions to the Appellant. The Appellant on the other hand pleads that the public must be informed of the decision making process in the MoWR on such important issues that are of crucial public interest and which involve huge public funds in their implementation.

Also the action taken

After hearing the parties and on perusal of the relevant documents, the Commission directs the Respondent to provide a summary of the proceedings of the meeting and the decisions taken, minus the portions (details) which would affect the strategic interests of the country. The Respondent are directed to provide this information to the Appellant within 10 days of receipt of this order. The matter is disposed of accordingly. Notice of the decision be given free of cost to the parties.

(Sushma Singh)
Information Commissioner
7.6.2010