



**ARUNACHAL PRADESH INFORMATION COMMISSION
ITANAGAR**

BEFORE THE COURT OF DR.JORAM BEGI, STATE CHIEF INFORMATION COMMISSIONER
No.APIC-02/2021 Dated, Itanagar the 23rd March' 2021
Under Section 19(3) RTI Act, 2005

Appellant

**Shri Shoney Pertin,
District President (NPP),
Airfield Pasighat, Ward No-4,
Po/Ps-Pasighat
East Siang District.
(m) 09402788327, 8974216125,**

Vs

Respondent

**Shri Jongge Yirang,
PIO-cum-DDSE,
Pasighat,
East Siang District,
Arunachal Pradesh.**

Dated of hearing held on : 23rd March'2021.

ORDER

Whereas, an appeal under Section 19(3) of RTI Act, 2005 has been received from Shri Shoney Pertin, District President (NPP), Airfield Pasighat, Ward No-4, Po/Ps-Pasighat, East Siang District, for non-furnishing of information, by Shri Jongge Yirang, PIO-cum-DDSE, Pasighat, East Siang District, Arunachal Pradesh, as sought, by the Appellant under section 6(1) of RTI Act, 2005 on 19/10/2020 regarding C/o 100 bedded Girls Hostel at Govt. Hr. Sec. School, Mebo, East Siang District.

Whereas, the 1st hearing was held on 16th February'2021. Shri Jongge Yirang, PIO-cum-DDSE, Pasighat, East Siang District, Arunachal Pradesh was found absent during the hearing. However, the PIO was represented by Shri Neelam Dupak, APIO-cum-BEO, Academic. The APIO informed the Commission that the PIO is preoccupied by visit of Secretary Education, so could not attend the hearing. The Appellant informed that information has not been furnished to him by the PIO. The APIO representing the PIO was found to be not aware of RTI Act 2005 provisions, Rules and even does not have proper knowledge regarding the scheme implemented by his own department.

Whereas, the Commission viewed the absence of the PIO very seriously and made it clear that the statutory duty must be given priority over other administrative duties. The PIO is directed to attend the next hearing in person without fail. If he is found absent in the next date of hearing, arrest warrant under section 18(3) (a) shall be issued. The Commission also viewed that the PIO has deliberately not complied with the provision of the RTI Act and Rules. He also has misled the Appellant to deposit Rs. 50/- instead of Rs. 10/- as application fees which was actually already paid by him (the Appellant). However, the Commission giving reasonable opportunity to the PIO, directed the PIO to furnish legible, correct, complete and authenticated information as sought by the Appellant in the Form-A, within fifteen days from the date of issue of this order, failing which U/s 20(1) of the RTI Act penalty of Rs. 25, 000/- (Rupees twenty five thousand) only shall be imposed on the PIO. The Commission also asked the Appellant to receive the information, go through and convey his satisfaction or dissatisfaction in the next date of hearing.

Whereas, the 2nd hearing was held on 23rd March'2021. Shri Jongge Yirang, PIO-cum-DDSE, Pasighat, East Siang District, Arunachal Pradesh and the Appellant shri Shoney Pertin were present during the hearing. Shri P.K. Thungon, PIO-cum-EE(UD & Housing) Pasighat Division was also present to assist the PIO-cum-DDSE, Pasighat.

The PIO-cum-DDSE said that the RAMSA fund of Rs. 2.07 crore was sanctioned for the construction of 100 Bedded girls Hostel at Government Higher Secondary School, Mebo and the

amount was transferred to the Executive Engineer, RWD, Pasighat, Division for the construction of the work in the year 2018-19. However, the work done by the RWD department was not satisfactory and a committee headed by Deputy Commissioner, East Siang, District recommended for shifting the work from the E.E., RWD, Pasighat Division to the E.E., UD & Housing, Pasig hat Division. So, the information sought by the Appellant are to be provided by the construction agencies i.e. Executive Engineer, RWD, Pasighat Division and the Executive Engineer, UD & Housing, Pasigaht Division. Shri P.K. Thungon, PIO-cum-EE(UD & Housing) Pasighat Division was also present during the hearing in connection with another case, said that the sixty percent of the works was already completed by the RWD, Pasighat Division when his department took over the work. He also said that all preliminary works including awarding of the work to the contractors were done by the RWD department. As such, all the information sought by the Appellant are not available with him. The appellant said that he sought information from the Executive Engineer, RWD, Pasighat division, vide his application dated 19-10-2020 but the E.E. RWD, Pasighat, Division vide his later dated 27th October'2020 informed him that RWD, Pasighat, Division is not executing any such project in the Mebo.

Whereas, the Commission, after hearing the PIO-cum-DDSE, Pasighat, E.E. UD & Housing, Pasighat Division and the Appelaht observed that the Education Department, specially the DDSE Pasighat is not the competent authority for any construction work. The fund should have been transferred to any other construction agency for undertaking the construction, which the DDSE has said to have done it. In that case the DDSE should have transferred the Application of the Appellant to the concerned construction agency as per section 6(3) of the RTI Act 2005, which he failed to do it. It is also not understood as to why the construction of the hostel has not been done through the dedicated Engineering Wings of the education department. Therefore, the Commission has decided to summon the following parties in the next hearing along with the PIO-cum-DDSE for the further investigation:-

- i. Shri P.K. Thungon, PIO-cum-E.E.(UD & Housing) Pasighat Division,
- ii. Shri Kipa Rinea, E.E.(RWD) Pasighat, Division,
- iii. Shri Gyamar Karo, Executive Engineer, (Engineering wing) Department of Education, Higher & Technical Educaiton, Govt. of A.P., Itanagar.

The next date of hearing is fixed on 20th Arpil' 2021 at 10:30 hrs.

Therefore, **Shri Jongge Yirang, PIO-cum-DDSE, Pasighat, East Siang District , Arunachal Pradesh**, Shri P.K. Thungon, PIO-cum-EE(UD & Housing) Pasighat Division, Shri Kipa Rinea, E.E.(RWD) Pasighat, Division, and Shri Gyamar Karo, Executive Engineer, (Engineering wing) Department of Education, Higher & Technical Educaiton, Govt. of A.P., Itanagar are hereby summoned to appear before this Court in persons on the scheduled date and time without fail.

Sd/-

(Dr.Joram Begi)

State Chief Information Commissioner
Arunachal Pradesh Information Commission
Itanagar


Dated, Itanagar the 25 March '2021

Memo No.APIC-02/2021/249

Copy to:

1. Secretary, Education, Govt. of Arunachal Pradesh, A.P, Civil Secretariat, Itanagar, for necessary action,
2. Director of Secondary Education, Govt. of Arunachal Pradesh, Itanagar, for necessary action,

3. Director of Elementary Education, Govt. of Arunachal Pradesh, Itanagar, for necessary action,
4. Deputy Commissioner-cum-FAA, East Siang District, Arunachal Pradesh for necessary action,
5. Shri Jongge Yirang, PIO-cum-DDSE, Pasighat, East Siang District , Arunachal Pradesh,
6. Shri P.K. Thungon, PIO-cum-EE(UD & Housing) Pasighat Division, East Siang District , Arunachal Pradesh,
7. Shri Kipa Rinea, E.E.(RWD) Pasighat, Division, East Siang District , Arunachal Pradesh,
8. Shri Gyamar Karo, Executive Engineer, (Engineering wing) Department of Education, Higher & Technical Educaiton, Govt. of A.P., Itanagar
9. Shri Shoney Pertin, District President (NPP), Airfield Pasighat, Ward No-4, Po/Ps-Pasighat, East Siang District, Arunachal Pradesh,
10. Computer Programmer, APIC, Itanagar, to upload in APIC Website,
11. Case file.


Registrar / Dy. Registrar
Arunachal Pradesh Information Commission
Itanagar
Arunachal Pradesh Information Commission