



ARUNACHAL PRADESH STATE INFORMATION COMMISSION

ITANAGAR

APIC No-101/2021(Appeal)

Shri Tagi Nadi, AAPSU office, Nefa
Club Building, Itanagar Arunachal
Pradesh.

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Appellant

Vs

Shri Hengo Basar DC-cum-PIO Raga,
Kamle District, Arunachal Pradesh.

-

Respondent

Date of hearing:-24th September, 2021.

Date of decision:-

Date of RTI Application/Complaint	07 th January, 2021.
Date of PIO's response	
Date of First Appeal	09 th February, 2021.
Date of FAA's response	
Date of receipt of Appeal/Complaint	01 st April, 2021.

ORDER

The Appellant vide his RTI application dated 07th January, 2021 sought information on 14 points as contained therein.

The PIO did not provide any reply to the Appellant in response to the present RTI application. The Appellant then filed a First Appeal. The First Appellate Authority also did not response to the appeal.

The Appellant, therefore, filed a second appeal before the commission with a request to provide complete information.

Hearing of the second appeal is taken up to-day on 24th September, 2021.

The Appellant is present. The PIO is absent. A text message was received on 23rd September, 2021 from the PIO (then DC) requesting for postponement of hearing. The PIO's request for postponement of hearing left the commission no time to issue notice to the other party. Further postponement of the hearing at the very last moment will result in wastage of time of the commission and of the Appellant. Therefore, it is not considered desirable to postpone the hearing and the matter is heard exparte.

The Appellant, who is present during the hearing, has submitted that the PIO did not provide any reply to his application. He has also stated that the information sought by him does not fall in any of the exempted categories under section 8 (1) of RTI Act, as such the PIO cannot refuse to furnish the information to him.

The commission, after hearing submissions of the Appellant and perusing the case records, notes that the PIO has not appropriately dealt with the present RTI application in a time bound manner. The PIO cannot deny access to any information which is legitimately due the citizen. It is also observed that demanded information is not personal information in nature and it is not exempted from being disclosed under section 8 (1) of the RTI, Act. Therefore, in furnishing the requested information there shall be no question of breach of confidentiality, privacy or trust. Commission, therefore, takes strong exception of in-ordinate delay in furnishing the information to the Appellant without any valid reasons.

Since RTI application was submitted on 07th January, 2021, the onus of providing information was with the then DC-cum-PIO. Therefore, the then DC-cum-PIO Kamle is hereby directed to show cause as to why action should not be initiated against him under section 20 (1) of the RTI, Act, 2005 for failing to comply with the provisions of the Act. He shall furnish the written submissions to the commission within 10 days from the receipt of this order.

In view of the foregoing observations, the commission also directs the present DC-cum-PIO, Kamle to furnish complete information to the Appellant

free of cost within 15 days from the receipt of this order. Present DC-cum-PIO, Kamle shall serve a copy of this order to the then PIO.

The concerned PIO as well as the present PIO shall present during the next hearing.

Next date of hearing is fixed on 22nd October, 2021 at 1030 hrs.

Copy of this order be supplied to all the parties.

Sd/-

(G.Tekseng)

State Information Commissioner

Memo No.APIC-101/2021./682

Dated Itanagar the...²⁷September, 2021.

Copy to.

1. The DC-cum-PIO Raga , Kamle District, Arunachal Pradesh.
2. Shri Hango Basar, then DC-cum-PIO Raga , Kamle District, Arunachal Pradesh.
3. Shri Tagi Nadi, AAPSU office, Nefa Club Building, Itanagar Arunachal Pradesh.
4. Computer Programmer, APIC, Itanagar, to upload in APIC website.
5. Case file.

Registrar/Dy. Registrar,
Arunachal Pradesh Information
Commission
Itanagar