



**ARUNACHAL PRADESH INFORMATION COMMISSION  
ITANAGAR**

(Before the Hon'ble Information Commissioner Mr. Genom Tekseng)

**Second Appeal No: APIC-96/2021.**

Dated Itanagar the 05.11.2021.

Shri Takam Dolu & Shri Gyamar Gunia  
Village:Guni, Near Nirjuli Tinali, C/o: Takam  
Raju, Po/Ps: Papumpare District Arunachal  
Pradesh.

Appellants

V/s

Er. Techu Totu Tara  
PIO-cum-EE, RWD, Sagalee Division,  
Papumpare District, Arunachal Pradesh.

Respondent

Date of hearing: 05.11.2021.

Date of Decision: 05.11.2021.

Date of RTI Application	19.06.2020.
Date of Complaint	31.08.2021.
Date of PIO's Response	23.08.2021.
Date of the First Appeal	28.01.2021.
Date of FAA's Response	02.02.2021.

**ORDER**

The Appellant vide his RTI application dated 19.06.2020 sought information on 09 (nine) points mentioned therein.

The PIO did not response to RTI application. The Appellant then filed a First Appeal.

The First Appellate Authority also did not appropriately deal with the Appeal. Dissatisfied with the response of First Appellate Authority (FAA) the Appellant filed a second Appeal before the commission with a request to provide correct and complete information.

Appeal came up for 6<sup>th</sup> consecutive hearing i.e. on 23.04.2021, 13.08.2021, 27.08.2021, 17.09.2021, 01.10.2021 and 22.10.2021.

On 23.04.2021 the commission directed the PIO to produce all the information sought by the Appellant on the next date of hearing fixed on 04.06.2021. In view of the Covid-19 situation in the state hearing was adjourned to 13.08.2021.

On 13.08.2021 the PIO, while attending the hearing informed that he had furnished the information sought in point No. (i), (ii) & (iii) of the application and that information sought in point No. (iv), (v), (vi), (vii) & (viii) of the application cannot be provided as contractors raised objection to the furnishing of these information. After hearing the submissions of both the parties, the commission noted that PIO cannot deny the information which is permissible under the RTI Act and so directed the PIO to furnish the required information sought in point No. (iv), (v), (vi), (vii) and (viii) of application to the Appellant. The PIO was also directed to give clear reply on point No. (ix) & (x) of the application.

The case came up for hearing again on 27.08.2021. The Appellant who was present informed that the PIO did not furnish the requested information to him despite commission's direction. Shri Toko Talom, AE, Menegeo attended the hearing on the behalf of the PIO through Video conference. The PIO was again directed to provide the remaining information on 28.08.2021 under intimation to the commission.

After receiving the information, Appellant filed a complaint before the commission. The complaint was received on 31.08.2021. The appellant in his complaint alleged that information furnished by the PIO on 23.08.2021 was incorrect, incomplete and misleading. The Appellant/ Complainant, therefore, requested the commission to initiate action under section 20 of the RTI act for furnishing incomplete, incorrect and misleading information and for the deliberate delay in furnishing the requested information.

Hearing of the complaint was taken up 17.09.2021. Both the Appellant and the PIO remained absent. No request was received from either of the party for postponement of hearing. Since both the complainant and the PIO were absent, the hearing was adjourned to 01.10.2021.

Matter was again heard on 01.10.2021. Both the PIO and the Appellant were again absent. The PIO was found absent during hearing on 23.04.2021, 27.08.2021 and 17.09.2021. Therefore, the matter was heard Ex-parte. The commission, after careful consideration of the case records observed that PIO has failed to supply the requested information within 30 days period as provided under section (1) of RTI Act, 2005. The PIO has also provided incorrect and incomplete information to the Appellant which is in violation of section (18) (1) (e) of the RTI Act, 2005. The commission also took very strong exemption for non-attendance of the PIO during hearing of the case. It raised a reasonable doubt that the denial of the information was with malafied intent. The commission, therefore, issued SHOW CAUSE NOTICE to the PIO on 01.10.2021 under section 20 (1) of the RTI Act, 2005 for failing to comply with the provisions of the RTI Act, 2005. He was also directed to furnish remaining information in the form of affidavit vide its order dated 01.10.2021. The PIO was to furnish his reply on 22.10.2021.

The case was again heard on 22.10.2021. The Appellant was present. But the PIO was not present. The PIO also did not furnish reply to the commission. From the case records and other attending circumstances, it appeared to the commission that the PIO deliberately avoided the SHOW CAUSE NOTICE and the commission order dated 01.10.2021. However, hearing was adjourned to 05.11.2021 at 1030 hrs to allow further opportunity of hearing to the PIO.

Today is the 7<sup>th</sup> hearing of this Appeal before the commission. The Appellants are present. But the PIO is again absent and he has failed to furnish replies to the show cause notice issued against him on 01.10.2021. It is observed from the records that the PIO has failed to comply with the order of the commission issued on 26.03, 2021, 27.08.2021, 17.09.2021, 01.10.2021 and 22.10.2021. The PIO attended the hearing only once on 13.08.2021.

In the facts and circumstances of the case and after perusal of entire case records, the commission is of view that denial of information is with malafide intent. It has been established beyond doubt that the he has violated section 7 (1) of the RTI Act, 2005. The PIO is liable for imposing reasonable penalty under section 20 (1) of the RTI Act, 2005. Therefore, it is accordingly, ordered as follows:-

1. Er. Techi Totu Tara, PIO-cum-EE, RWD, Sagalee Division Papum Pare District (A.P) is imposed a fine of Rs.25,000/- (rupees twenty five thousand) only for violation of section 7 (1) of the RTI Act, 2005. He shall deposit the Penalty amount in the Account of Registrar APIC against Head of account "0070-other Administrative charges" on or before next date of hearing and to furnish related records of such payment of fine to the commission.
2. He shall further pay an amount of Rs. 5,000/-(rupees five thousand) only by way of compensation to the Appellant who has suffered loss/detriment by the reason of the act for which the PIO has been imposed Penalty on or before the next date of hearing and to submit the related records of such payment to the commission.
3. He shall furnish complete information sought in the RTI application dated 19.06.2021 on or before next date of hearing.
4. **Next date of hearing is fixed on 17.12.2021 at 1030 hrs.**
5. In the event of his failure to comply with all or any of the order aforesaid, appropriate action shall be initiated under section 20 (2) of the RTI Act, 2005.

Order pronounced to-day on this 5<sup>th</sup> November, 2021. A copy each of this order be furnished to both the parties.

Given under my hand and seal of this commission/court on this 5<sup>th</sup> day of November, 2021.


Sd/-  
(Genom Tekseng)  
Information Commissioner

Memo No. APIC-96/2021/ 56

Dated Itanagar the 24 Nov, 2021.

Copy to:

1. Er. Techhi Totu Tara, PIO-cum-EE, RWD, Sagalee Division, Papumpare District Arunachal Pradesh.
2. Shri Takam Dolu & Shri Gyamar Gunia Village:Guni, Near Nirjuli Tinali, C/o: Takam Raju, Po/Ps: Papumpare District Arunachal Pradesh.
3. Computer Programmer, APIC Itanagar to upload APIC website please.
4. Case file.

  
Registrar/Dy.Registrar,  
APIC, Itanagar

Deputy Registrar  
Arunachal Pradesh Revenue Department  
Itanagar