



**ARUNACHAL PRADESH INFORMATION COMMISSION
ITANAGAR**

BEFORE THE COURT OF GENOM TEKSENG, STATE INFORMATION COMMISSIONER

No.APIC-96/2021

Dated, Itanagar the 23rd April, 2021

Under Section 19(3) RTI Act, 2005

Appellant

(1) Shri Takam Dolu
(2) Shri Gyamar Gunia
Guni Village Near Nirjuli Tinali
C/o-Takam Raju
PO/PS Nirjuli, Papum Pare
District, Arunachal Pradesh.

Vs

Respondent

Er. Techu Totu Tara
PIO-Cum-EE, RWD Sagalee
Division, District Papum Pare,
Arunachal Pradesh.

ORDER

This appeal has been filed under section 19(3) of the RTI, Act, 2005 by Shri Takam Dolu and Shri Gyamar Gunia, Guni Village near Nirjuli Tinali c/o Takam Raju, Po/Ps. Nirjuli, Papum Pare Distt.(AP) against EE-cum-PIO RWD Sagalee Division, Papum Pare Distt.(AP) wherein, the appellants have sought some information c/o Road from Pinte to Sakiang which is executed by the RWD, Sagalee Division. Brief facts of the case is that the appellant submitted the application in form 'A' to the PIO on 19th June, 2020. But no response was received from the PIO. And therefore, an appeal under section 19(1) was filed to the SE, RWD, Western Zone, Itanagar. The SE-cum First Appellate Authority instead of disposing of the appeal had forwarded the application to the EE-cum PIO, RWD, Sagalee. The appellants having received no relief from the PIO and First Appellate Authority has filed this appeal before the commission.

The commission has admitted the appeal and accordingly, issued notice to the parties. This is the first hearing of the appeal. Appellants are present. But the PIO is absent. Heard the appellants.

The appellant Shri Gyamar Gunia has submitted that the EE-cum-PIO has not responded to their request for information. Appellant has claimed that RTI Act gives right to information to every citizen and, therefore, the PIO cannot deny access to the information which is available with the office/department. The appellant has also alleged that the information sought by them is arbitrary withheld by the PIO and has prayed the commission to pass appropriate order.

After hearing the appellants and the perusal of record reveals that the EE-cum-PIO and the SE-cum First Appellate Authority have not acted in responsible manner while dealing with the request from the appellant for information. As per section 7(2) of the Act, if the PIO fails to give decision on the request for information within 30 days of the receipt of the request, the PIO shall be deemed to have refused the request. It is also pertinent to mention that the PIO is legally obliged to furnish the information if it is held by him if that information does not fall in any of the categories specified under section 8 Of the Act. The perusal of the record further reveals that an appeal under section 19(1) of the Act, was filed to the SE-cum- First Appellate Authority , Itanagar on 28th Jan, 2021, but the appeal was not disposed of as per provisions of section 19(6) of the Act. The SE-cum-FAA instead of disposing of the appeal had forwarded the application to the EE-cum PIO which is in violation of prescribed procedure. If the public authority refuses to give access to any information requested under the Act without any valid reasons, it may give wrong impression that the information is withheld only to conceal their illegal activities or acts. It is also observed that the PIO has not complied with the order of this commission/court as he was directed to appear before the commission on the date of hearing. No reason was given by the PIO for his absence.

In view of the above, it is ordered that the PIO shall present in the next hearing and produce all the information sought by the appellants before the commission/court for onward submission to the appellants. **Next date of hearing is fixed on 4th June, 2021.**

It is also informed to the PIO that in the event of your failure to comply with the aforesaid order the commission shall be constraint to take action against you under section 20 of RTI Act,2005.

Let the copy the order be issued to the parties.

Sd/-

(Genom Tekseng)

State Information Commissioner

Arunachal Pradesh Information Commission

Itanagar

Memo No.APIC-96/2021/375

Dated, Itanagar the ...09...May, 2021

Copy to:

1. Er. Techu Totu Tara,PIO-Cum-EE,RWD Sagalee Division,District Papum Pare,Arunachal Pradesh..
2. (1)Shri Takam Dolu,(2)Shri Gyamar Gunia,Guni Village Near Nirjuli Tinali,C/o-Takam Raju,PO/PS Nirjuli,Papum Pare District,Arunachal Pradesh.
3. Computer Programmer, APIC, Itanagar, to upload in APIC Website,
4. Case file.

Registrar/Dy. Registrar,

Arunachal Pradesh Information Commission

Itanagar