



## ARUNACHAL PRADESH INFORMATION COMMISSION

ITANAGAR

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

(1)Shri Takam Dolu - Appellant  
(2)Shri Gyamar Gunia  
Guni Village Near Nirjuli Tinali  
C/o- Takam Raju Po/Ps Nirjuli,  
Papum pare District  
Arunachal Pradesh.

Vs

Er. Techi Totu Tara - Respondent  
PIO-cum-EE,RWD Sagalee  
Division, Papum Pare, Arunachal Pradesh.

Date of hearing: 01/10/2021.

Date of Decision:- 01/10/2021.

Date of RTI Application/Complaint	19/06/2020(Appeal)
PIO Response	23/08/2021
Date of the First Appeal	28/01/2021
First Appellant's Response	02/02/2021
Date of Diarized Receipt of Appeal/Complaint by the Commission	18/03/2021(Appeal) 30/08/2021(Complaint)

### FACTS

The Appellant vide his RTI application sought information on 09 (nine) points as contained therein.

The PIO did not response to RTI application. The Appellant then filed a First Appeal. The First Appellate Authority also did not appropriately dealt with the Appeal. Dissatisfied with the response of First Appellate Authority the Appellant filed a second Appeal before the commission with a request to provide correct and complete information.

## HEARING

Appeal came up for hearing on four consecutive dates on 23/04/2021, 13/08/2021, 27/08/2021 and 17/09/2021.

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 the 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 permissible under the RTI Act and so directed the PIO to furnish the required information 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 Talam, AE, Mengio attended the hearing on the behalf of the PIO through Video conference. The PIO was again directed to provide the information on 28/08/2021 under intimation to the commission.

After receiving the information on 27/08/2021 the Appellant filed a complaint before the commission. The complaint was received on 30/08/2021. The Appellant in his complaint alleged that information furnished by the PIO on 23/08/2021 is incorrect, incomplete and misleading. The Appellant/Complainant has, 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 on 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.

Today is the 5<sup>th</sup> hearing of the cases/cases. Both the PIO and Appellant are absent. As per records ,the PIO did not attend the hearing on

24/04/2021, 27/08/2021 and 17/09/2021. The commission, after perusal of records, observes that the PIO has failed to supply the required information within 30 days period as provided Under section 7 (1) of the RTI Act. The commission also takes serious exception of non-attendance of the PIO during hearing of the case. It also raises a reasonable doubt that the denial of information is with malafide intent. Therefore, the PIO is directed to show cause as why action shall not be initiated against him under section 20(1) of the RTI Act, 2005. It is also observed that the PIO has allegedly furnished incorrect, incomplete and misleading information to the appellant. Therefore, the PIO is also directed to file an affidavit signed before a magistrate within 15/10/2021, clearly stating that he has not furnished false, incorrect and misleading information.

The PIO is directed to be present during next hearing. **Next date of hearing is fixed on 22/10/2021 at 10.30 hrs.**

Copy of this order be issued to both the parties.

Sd/-

(Genom Tekseng)

State Information Commissioner

Memo No. APIC-96/2021/ 728

Dated, Itanagar the 05<sup>th</sup> October, 2021

Copy to :

1. Er. Techitotuta Sagalee PIO-cum-EE, RWD Sagalee Division, Papum Pare, Arunachal Pradesh.
2. (i) Shri Takam Dolu  
(ii) 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.

5/10/2021

Registrar/Dy. Registrar

Arunachal Pradesh Information Commission  
Itanagar