



**ARUNACHAL PRADESH INFORMATION COMMISSION
ITANAGAR, APIC.**

BEFORE THE COURT OF SHRI GENOM TEKSENG, STATE INFORMATION
COMMISSIONER.

No.APIC-97/2021(APPEAL)

Dated, Itanagar the 10th September 2021

Under Section 19(3) RTI Act, 2005

Appellant

**Shri Nabam Vishnu Hina
& Party, Nirjuli D-Sector, Papum
Pare District, Arunachal Pradesh.**

Vs

Respondent

**Er. Rimmer Tasso,
PIO-Cum-SE(CSQ) PWD,
O/o The CE(CSQ), Nirman
Bhawan, Second Floor, 'O' Point
Tinali, Arunachal Pradesh.**

Order

The Appellant **Shri Nabam Vishnu Hina & Party** filed an application dated 26th October, 2020 before the **PIO-Superintending Engineer (CSQ) O/o the Chief Engineer (CSQ) PWD, Arunachal Pradesh, Itanagar** seeking Information on 02(two) points as contained therein.

The PIO vide its response dated 29th October, 2020 stated that the information sought Sl.no.1(a) & 2(a) will be supplied to the appellant. With regard to Sl.no.1(b) & 2(b) the respondent PIO stated that the information sought by the Appellant pertains to personal information of the third party the disclosure which needs the consent from the concerned third parties.

The Appellant filed First Appeal on 26th November, 2020 as his requested information was not furnished. The First Appellate Authority cum-Chief Engineer (CSQ), PWD, Itanagar took up the case for its disposal but no clear order was passed. The Appellant filed second appeal before this commission on the ground that the PIO denied the information sought. The appellant requested the commission to direct the PIO to provide the information sought.

Hearing of the second Appeal was taken up on 23rd April, 2021. During the hearing the Respondent PIO reiterated his reply given to the PIO on 29th October, 2020 and stated that requested information could not be furnished to the Appellant as the information was exempted under section 8 (1)(j) of the RTI Act. The Appellant stated that the PIO cannot deny the information sought in Sl.no.1(b) & 2(b) of the application as it does not fall under the ambit of section 8 (1) (j) of the Act. The appellant however, informed that the information sought in Sl.no. 1(a) & 2(a) had been supplied to him.

After the hearing submissions of both the parties, the commission vide its order dated 23rd April, 2021 directed the PIO to take a decision as to whether or not to disclose the information sought in Sl.no. 1 (b) & 2 (b) of the said application after following third party procedure.

The case was again heard on 13th August, 2021. The Appellant was absent. The PIO attended the hearing via video-conference. He informed the commission that commission's order dated 23rd April, 2021 had not been received by him. The PIO was again directed to take a decision regarding whether the information sought in Sl.no. 1(b) & 2 (b) should be disclosed after following third party procedure.

In order to ensure social distancing and prevent spread of Covid-19, video hearing has been scheduled to-day. The Appellant is absent. The PIO is present for hearing through video conference.

The PIO has informed the commission that he has not yet taken decision about the disclosure of the information sought in Sl.no. no. 1(b) &2 (b) of the RTI application though written submissions from the concerned party/parties have been received. He has, however, submitted that there is no malafide intention to deny the information or to disobey the order of the commission, and that he would now take a decision after receiving the commission's direction in this regard.

Upon the perusal of records, it appears that the PIO has not made any honest and visible effort/attempt to dispose of the matter. The commission takes very strong exception of in-ordinate delay in furnishing the information to the Appellant. The commission also observes that even if the information sought is personal information of third party, the PIO may disclose the information if he does not find any merit in the submissions of the third party.

With the above observation, the commission directs the PIO to make a clear decision as to whether or not to disclose the information sought in Sl.no.1(b) & 2 (b) of the RTI application dated 26th October, 2020 within 7(seven) days from today. Compliance report to this effect shall be duly sent by the PIO to the commission within 18th September, 2021, failing which non-compliance proceeding shall be initiated by the commission.

The hearing is adjourned to 29th October, 2021. Copy of this order be provided to the Appellant, the PIO and the concerned third party.

Sd/-

(Genom Tekseng)
State Information Commissioner
Arunachal Pradesh Information
Commission
Itanagar

Memo No.APIC-97/2021/641

Dated, Itanagar the 15th September, 2021

Copy to:

1. Shri Rimmer Taso, PIO-Cum-SE(CSQ) PWD, O/o The CE(CSQ), Nirman Bhawan, 2nd Floor, 'O' Point Tinali, Arunachal Pradesh.
2. Shri Nabam Vishnu Hina & Party, Nirjuli D-Sector, 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