



**ARUNACHAL PRADESH STATE INFORMATION COMMISSION  
ITANAGAR**

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

**APPEAL UNDER SECTION 19 (3) RTI ACT, 2005.**

APIC-No.155/2022(Appeal)

Shri Mamu Sono,  
Sood Village, Naharlagun, PO/PS:  
Naharlagun, Papumpare District, Arunachal  
Pradesh.(Ph.no.6909739088/9436215521).

Appellant

--Versus--

PIO-cum-EE,  
RWD Division, Chayangtajo, East Kameng  
District Arunachal Pradesh.

Respondent

**Date of hearing: 14.10.2022**

**SHOW CAUSE NOTICE**

**(FORM-4 CPC R/W SECTION-20 (1) of RTI ACT, 2005)**

To,

Shri Kaku Pangia  
EE-cum-PIO, RWD,Chayang Tajo Division,  
Seppa, East Kameng District, Arunachal Pradesh.

1. **Whereas**, one Shri Mamu Sono filed second appeal before the commission on 28.01.2022 under section 19 (3) of RTI Act, 2005 alleging that you have not furnished the information in response to his RTI application dated 26.11.2021.
2. **Whereas**, the commission by order dated 05.08.2022 and 23.09.2022 directed you to furnish complete information to the Appellant and you have not complied with any of the commission's directions.
3. **Whereas**, you being the EE-cum-PIO, RWD Chayang Tajo Division, Seppa, East Kameng District, Govt. Of Arunachal Pradesh, have failed to furnish the information sought under RTI Act, 2005 to the Appellant within 30 days from the receipt of his application as provided under section 7 (1) of the RTI Act without any reason.
4. **Whereas**, for failure to furnish the information within prescribed period of 30 days under section 7 (1) of the RTI Act, 2005, you are liable for imposing a reasonable penalty under section 20 (1) of RTI Act, 2005.

Therefore, you are hereby required to appear in person before the commission on 16.12.2022 at 10:30 hrs to SHOW CAUSE as to why you should not be imposed reasonable penalty as provided in section 20 (1) of RTI Act and failing which matter will be heard and decided in your absence.

Given under my hand and seal of this commission on this day of 14<sup>th</sup> October, 2022.

Sd/  
(Genom Tekseng)  
Information Commissioner

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**ORDER**

The PIO is again absent while the appellant present has informed that the PIO has not furnished the information to him.

In this case the PIO has not provided the information sought by the appellant within stipulated period. Therefore, this commission vide order dated 05-08-2022 directed the PIO to furnish the requisite information to the appellant in response to his RTI application dated 26-11-2022. During the last hearing on 23-09-2022 the PIO was again directed to furnish the information within 15 days from the issue of the order. The PIO was also cautioned that failure on his part to furnish the requisite information within time limits given by the commission shall amount to non-compliance of the commission's direction and that the commission will be constrained to take penal action against him.

Upon perusal of records, it appears that the PIO has not provided any reply to the appellant in response to the present RTI application. It is also observed that the PIO did not appear during the hearing on 20-05-2022, 05/08-2022 and 23-09-2022 nor furnished the sought information to the appellant. It is further observed that the PIO cannot defy any order of the commission without any stay obtained from the appropriate court. Conduct of the PIO is against the spirit of the RTI Act which was enacted to ensure greater transparency and effective access to the information.

It is noted also that the PIO has completely failed to furnish the requisite information within time limit prescribed in section 7 (1) of the RTI Act, 2005 and that failure on the part of the PIO to provide the information within time limit given by the commission also amounts to non-compliance of the commission's direction.

The commission takes very strong exception of the no-attendance of the PIO during the hearing of the second appeal. It definitely raises reasonable doubt that denial of the information is with malafide intent. The PIO is hereby directed to **Show Cause** as to why action should not be taken against him U/S 20 (1) of the RTI Act, 2005 for failing to comply with the provisions of the RTI act. Written reply of the PIO should reach the commission within 15 days from the receipt of this order, failing which ex-parte decision shall be taken

by the commission. The PIO is also directed to furnish point-wise response and provide the information to the appellant on the basis of available records.

With the above observations and direction, hearing is adjourned to **16<sup>th</sup> Dec, 2022**.

The PIO shall appear in person before the commission on 16-12-2022 at 1030 hrs.


Sd/-  
(Genom Tekseng)  
Information Commissioner

Memo No.APIC-155/2022/ 371

Dated Itanagar the 20th October, 2022.

Copy to:

1. PIO-cum-EE, RWD Division, Chayangtajo, East Kameng District Arunachal Pradesh.
2. Shri Mamu Sono, Sood Village, Naharlagun, PO/PS: Naharlagun, Papumpare District, Arunachal Pradesh.(Ph.no.6909739088/9436215521).
3. Computer Programmer, Itanagar, APIC, to upload in APIC, website please.
4. Office copy.

  
Registrar/Dy.Registrar,  
Arunachal Pradesh Information Commission  
APIC, Itanagar