



**ARUNACHAL PRADESH INFORMATION COMMISSION
ITANAGAR**

BEFORE THE COURT OF SHRI RINCHEN DORJEE, STATE CHIEF INFORMATION COMMISSIONER
No.APIC-548/2022 Dated, Itanagar the 1st November' 2022

Under Section 19(3) RTI Act, 2005

CASE DETAILS

Adjunct, Dt. 1st November' 2022
Decision No. APIC-548/2022 decided on 1st November' 2022
Appeal No. APIC-548/2022
Bench: Shri Rinchen Dorjee
Appellant: Shri Bamang Tagung, Press Colony Papu Nallah, PO/Ps Naharlagun, Papum Pare District, Arunachal Pradesh. (m) 9402060609/ 8258809002
Respondent: The PIO-cum-EE(WRD), Govt. of A.P., Ziro Division, Lower Subansiri District, Arunachal Pradesh.

GIST OF O R D E R

Whereas, an appeal under Section 19(3) of RTI Act, 2005 has been received from Shri Bamang Tagung, Press Colony Papu Nallah, PO/Ps Naharlagun, Papum Pare District, Arunachal Pradesh, for non-furnishing of information by the PIO-cum-EE(WRD), Govt. of A.P., Ziro Division, Lower Subansiri District, Arunachal Pradesh, as sought by the Appellant under section 6(1) of RTI Act, 2005 on 16/06/2022 regarding detail information of PMKSY (HKKP) under surface Minor Irrigation (SMI) Scheme.

Whereas, the 1st hearing was held on 1st November' 2022 at 1030hrs as scheduled. The PIO-cum-EE(WRD), Govt. of A.P., Ziro Division, Lower Subansiri District, Arunachal Pradesh, was found absent during the hearing. The Appellant Shri Bamang Tagung was present. The Appellant informed the Commission that the PIO vide Memo No. ZWR/RTI-01/2013-14(Pt-I) / 154-56 Dated Ziro the 29th June'2022 denied information citing that, "**As per the RTI ACT, 2005 a Citizen of India is empowered to file an application for obtaining information. A strict interpretation of the word 'citizen' does not include any association.**" Since, the PIO was absent the Commission could not hear from him.

Whereas, the Commission observed that If the application is submitted by name of a citizen, the reset of the address i.e. designation, group/association/NGO and place etc may be presumed that a citizen has sought information at that address. However, if the application has no name of any citizen and bears only the designation of group, association etc. the application may be rejected.

Moreover, the Commission, viewed seriously the absenting of the PIO from performing the statutory duty without any prior reasonable intimation. The Commission giving reasonable opportunity directs the PIO to appear in the next date of hearing with all the information as sought by the Appellant in the Form-A Dated 17/05/2022. If information are not available, reasonable explanation has to be brought in writing. **Failing which the Commission may be compelled to impose penalty on the PIO under Section 20(1) of the RTI Act 2005.** The same shall be published in the wide circulating Newspapers with name and designation of the PIO.

The next date of hearing is fixed on 20th December' 2022 at 1030 hrs.

Therefore, the PIO-cum-EE(WRD), Govt. of A.P., Ziro Division, Lower Subansiri District, Arunachal Pradesh, is hereby summoned to appear before this Court in person on the scheduled date and time without fail.

Sd/-

(Rinchen Dorjee)

State Chief Information Commissioner
Arunachal Pradesh Information Commission
Itanagar

Memo No.APIC-548/2022/464

Dated, Itanagar the

November'2022

Copy to:

1. The PIO-cum-EE(WRD), Govt. of A.P., Ziro Division, Lower Subansiri District, Arunachal Pradesh, PIN- 791120.
2. Shri Bamang Tagung, Press Colony Papu Nallah, PO/Ps Naharlagun, Papum Pare District, Arunachal Pradesh, PIN- 791110.
3. Computer Programmer, APIC, Itanagar, to upload in APIC Website.
4. Case file.

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