



**ARUNACHAL PRADESH INFORMATION COMMISSION, (APIC)
ITANAGAR, RUNCAL PRADESH**

Appeal U/S 19(3) of RTI Act, 2005
vide No.APIC-65/2020

**BEFORE THE HON'BLE COURT OF SHRI GOTO ETE, THE STATE
INFORMATION COMMISSIONER**

Shri Lishi Tajom
Village Tom, PO: Deed, PS: Ziro,
Lower Subansiri District, Arunachal Pradesh Appellant

-VERSUS -

Shri Kago Habung
PIO-Cum-EE, PHE & WS,
Ziro Division, Lower Subansiri District,
Arunachal Pradesh Respondent

Date of judgment/order: 15.10.2020.

JUDGMENT/ORDER

Appellant Shri Lishi Tajom and PIO-cum-EE, PHE & WS, Ziro Division, Er. Kago Habung, are both present and being heard through audio/video conferencing.

Brief fact of the case is that the appellant Shri Lishi Tajom filed an RTI application under Form-A before the PIO-cum-EE, PHE & WS, Ziro Division on 23.06.2019, whereby, seeking various information's regarding Water Supply of Kugi Tago Panchayat, for the period from 2015-2018. The PIO responded the RTI application of appellant at belated stage on 16.01.2019 vide his letter No.EEZ/PHE/2/50/19-20/1478-80. Being not satisfied with the replies of the PIO, the appellant filed the First Appeal on 29.01.2020 before the FAA-cum-SE, Western Zone, PHE & WS, Govt. of AP, Naharlagun, on the ground of non-furnishing/incomplete information. Having not received any response from the said FAA-cum-SE, the appellant filed the Second Appeal on 09.03.2020 before the Arunachal Pradesh Information Commission (APIC) under sub-section of Section-19 of the RTI Act. And on receipt of this appeal Registry of the Commission registered the same, being the Appeal vide APIC No.65/2020, and processed it to the Commission for hearing and disposal.

And, accordingly, the appeal came up for the first time before the Commission on 01.10.2020 for hearing and during which it transpired on record that the PIO had not responded the said RTI application of appellant within prescribed of 30 days from the date of receipt of the application on 29.11.2019 apart from his having failed to furnish to the required information. The Commission, thus, having found a prima-facie case well established against the PIO of having violated the provisions of sub-section

(1) of Section-7 of the RTI Act, 2005, directed to issue show cause notice to the PIO with a further direction to him to be remained present on the next date of hearing fixed on 15.10.2020, i.e, today for furnishing of replies to the show cause notice and for its hearing. During this second hearing of the appeal being held today both verbally and written submissions of the PIO in respect of the show cause notice issued against him have duly been heard through audio/video conferencing.

Upon consideration of both verbal and written submission of the PIO in respect of the show cause notice issued against I do not find him making any replies to the specific charge labelled against him as to why he has neglected/refused to furnish the information sought to the appellant within prescribed period of 30 days as provided under sub-section (1) of Section-7 of the RTI Act, 2005. Considering the facts and circumstances as aforesaid I have no escape from concluding that the replies to the show cause notice furnished by the PIO is found not satisfactory and the PIO is, as such, found liable for imposing reasonable penalty under sub-section (1) of Section-20 of the Act. It is, thus, ordered as follows:

- (1) Er. Kago Habung, PIO-cum-EE, PHE & WS, Ziro Division, Lower Subansiri District, Arunachal Pradesh is imposed a penalty of Rs.25000/-(rupees twenty five thousand) only for his violation of sub-section (1) of Section-7 of the RTI Act. The fine amount shall be deposited through challan payment to the Registrar, APIC, against account No.0070
- (2) He shall make an additional payment of Rs.5000/-(rupees five thousand) only to the appellant, being compensation to the appellant for undue harassment meted to him in filing this appeal and in attending the Commission's Court for seeking justice and the same shall be paid in the manner as may be convenient to the PIO.
- (3) He shall furnish the information sought to the appellant on or before the next date of hearing fixed on 5th of November, 2020.
- (4) On payment of fine and compensation including on furnishing of the information so sought he (PIO) shall produce or submit all related document/records of payments and of furnishing of information on or before the next date of hearing.
- (5) And in case of his failure in complying with all or any of the above orders sub-section (2) of Section-20 of the RTI Act, 2005 for disciplinary action against him (PIO) may be invoked.