



सूचना का
अधिकार
RIGHT TO
INFORMATION

ARUNACHAL PRADESH INFORMATION COMMISSION (APIC)
ITANAGAR

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

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

APIC-No.216/2023(Appeal)

Sh. Nikam Dabu & Tasi Chader, C/o YC
Enterprise, Naharlagun, Papumpare
District, Arunachal Pradesh. (M)
7640082060, **Pin: 791110.**

Appellant

-Versus-

The PIO-O/o the Deputy Commissioner,
Upper Subansiri District, Daporijo,
Arunachal Pradesh.
Pin: 791122.

Respondent

Date of hearing: 25.01.2024.

Date of decision: 25.01.2024.

FACTS OF THE CASE:

The appellant filed an RTI application dated **14.12.2022** seeking information relating **Untied Fund in upper Subansiri District**. The respondent PIO did not furnish reply to the RTI application. The appellant then filed a first appeal dated **19.01.2023**. The First Appellant Authority's (FAA) order, if any, is not available on record. Feeling aggrieved and dissatisfied, the appellant approached the commission with the instant Second Appeal.

After receipt of the Second Appeal notices were issued to the parties to appear on **15.09.2023**.

The appellant appeared on 15.09.2023 and submitted that the PIO did not provide any reply to his application. The PIO was represented by Shri Tapak Rakmi (DPO). Shri Tapak Rakmi submitted that requested information was kept ready in the O/o the PIO but the appellant did not visit the office for collection of the information. The commission after hearing the submissions of both the parties directed the PIO to send the information to the appellant's address by **Registered Post (with AD)** and adjourned the matter to 24.11.2023.

Appellant alone appeared on 24.11.2023 and submitted that in inspite of the order of the commission the PIO did not provide complete information to him. The PIO has neither provided complete information nor appeared before the commission during the hearing. For non-compliance of commission direction, the commission decided to initiate action under section 20 (1) of the Act, 2005 and order to this effect was issued on 24.11.2023. The PIO was directed to appear on 25.01.2024 to Show Cause as to why maximum penalty should not be imposed on him.

The case is listed today for **Show Cause Notice** hearing. The appellant alone appears before the commission and submits that in spite of repeated orders of the commission the PIO has not furnished complete information sought in his RTI

application. The PIO has not availed of the opportunity to plead his case in person or through his representative despite being given opportunity to do so. No written reply has also been received from the PIO.

The commission based on the perusal of record on the case files observes that the RTI application was filed on 14.12.2022 and as per provisions of the RTI Act, the same should have been supplied by **15-12-2022**. But complete information was not provided even after the lapses of several months. For non-compliance a **Show Cause Notice** was issued by the commission and information was not furnished to the appellant. Various interim orders were passed by the commission from time to time but the PIO did not pay any attention to supply complete information to the appellant. The commission has taken serious note of it. No written reply has also been received from the PIO which clearly shows the negligent attitude of the PIO towards the RTI application.

In view of the above the commission decides to impose a penalty as per provisions of the RTI Act which says that a penalty of Rs. 250/- per day to the maximum of **Rs. 25000/- (Twenty Five Thousand)** only can be imposed upon the guilty official for **100 days**. In this case, a delay of more than 100 days has occurred and keeping in view this facts, a penalty of **Rs. 25000/- (Twenty Five Thousand)** only is imposed upon **Shri TANAM KYALI**, EAC-cum-PIO, O/o the DC, Daporijo, Upper Subansiri District. The PIO is directed to deposit Penalty amount in the head of **account "0070" -other administrative charges** and furnished the related record of such payment to the commission. The PIO is also directed to furnish complete information sought by him in his RTI application.

Above directions of the commission shall be complied within 30 days from the issue of this order, failing which action shall be initiated under section 20(2) of the RTI Act 2005. The hearing of the case is adjourned to **19.04.2024**.


Copy of this order be supplied to the parties.

Sd/-
(Genom Tekseng)
Information Commissioner

Memo No.APIC-216/2023/27
Copy to:

Dated Itanagar the 28... Feb' 2024.

1. Computer Programmer, Itanagar, APIC, to upload in APIC, website please.
2. Office copy.


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