सत्यमेव जयते

सूचना का अधिकार
RIGHT TO INFORMATION

ARUNACHAL PRADESH INFORMATION COMMISSION
ITANAGAR.

An Appeal Case U/S 19(3) of RTI Act, 2005
Case No. APIC- 197/2026.

APPELLANT : Shri Tapir Mize and Shri TashiPangu, Upper Niti Vihar.
RESPONDENT : The PIO, o/o the EE (WRD), Namsai Division, Namsai.

ORDER

This is an appeal under Section 19(3) of RTI Act, 2005 received from Shri Tapir Mize and Shri Tashi Pangu for non-furnishing of below mentioned information by the PIO, o/o the EE (WRD), Namsai Division, Namsai District as sought for by them under section 6(1) (Form-A) of RTI Act, 2005 vide their application dated 27.09.2025.

A. **Particular of information:** seeking information under RTI Act, 2005 in respect of PMKSY Scheme.
B. **Details of information required:**

Part-A-PMKSY

1. Furnish CTCs of lists of works/projects sanctioned from 130 AIBP Schemes under PMKSY Schemes for Namsai Division.
2. Provide list wise schemes sanctioned from 604 nos of SMI Schemes under PMKSY Scheme for Namsai Division.
3. Provide complete list of Tube Wells/Dug Wells sanctioned from 473 Nos Ground Water Schemes and 519 Nos Tubewell& Dug well under PMKSY Scheme for Namsai Division.
4. Provide copies of NITS of all the PMKSY schemes sanctioned for Namsai Division till date.
5. Provide copies of letters of acceptance (LOA) given to the winning firms of all the PMKSY Projects implemented under Namsai WRD Division.
6. Provide copies of Scheme-Wise LoC of fund received against PMKSY Scheme till date.
7. Provide copies of fund utilization certificate in standard format of all fund received against PMKSY Schemes till date.
8. Provide work status of all the PMKSY Scheme under Namsai Division.
9. Provide copies of completion certificate of all the PMKSY projects thatcompleted till date.
10. Provide copies of PFMS payment vouchers made to the contractor firms of all the PMKSY Scheme.

Part-A- RIDF/SIDF

1. Furnish CTCs of NITs of following works implemented under Namsai Division.

Sl. No.	Name of PMKSY (HKK) projects	Sanctioned amount Rs. In lakhs
1	Flood Control works at various location on the right bank of Noa-Dehing river in Lekang, Ph-I (RIDF).	1500.00
2	Flood Protection and sheet piling work at Upper Deobeel under Namsai Ph-I (RIDF).	1006.00

3	Flood protection works on left bank of Kamlang Tributary at Alubari from chainage 0.00 M to 450.00 M (State Plan).	300.00
4	Flood protection works on left bank of Kamlang Tributary at Alubari from chainage 450.00 M to 900.00 M (State Plan).	300.00
5	Flood protection works on Tributary at Alubari from 1350.00 M (State Plan). left bank of Kamlang chainage 900.00 M to 1350.00(State Plan).	300.00
6	Flood protection work at right bank of Tengapani River (Narayan Ghat)	200.00
7	Flood protection work at Mengkein Miri (State Plan).	100.00
8	Flood Protection work with CC lining at Rangalibeel under Lekang Circle (State Plan).	80.00
9	C/o indoor sports stadium at Chongkham Phase-II (on-going) (State Plan).	160.00

2. Provide copies of letters of acceptance (LOA) along with copies of agreement between the Executing Agency and the Contract Winning Firm Projects.
3. Provide copies of Scheme-Wise LoC of fund received against above-mentioned Projects Scheme till date.
4. Provide copies of fund utilization certificate in standard format of al fund received against above-mentioned projects till date.
5. Provide work status of all the above-mentioned projects.
   Provide copies of completion certificate of the above-mentioned projects

1. **WHEREAS** Shri Tapir Mize and Shri Tashi Pangu of Upper Niti Vihar, Itanagar, 2005, (herein after referred to as the appellants) vide their application dated 27.09.2025, had requested the PIO, o/o the E.E (WRD), Namsai Division, Namsai requested for the aforementioned information under section 6(1) (Form-A) of RTI Act, 2005.

2. AND WHEREAS the appellants could not obtain the information which prompted them to file their 1st appeal before the Chief Engineer (WRD), Eastern Zone Miao Changlang, the First Appellate Authority (FAA) vide Memo of Appeal dt.15.01.2026. But the appellants failed yet again to obtain the requested information which led them file their 2nd appeal before this Commission under Section 19 (3) of the RTI Act. 2005 vide their Memo of Appeal dt. 10.02.2026.

3. AND WHEREAS this appeal was, accordingly, listed and heard 2(two) times on 22.05.2026 and 22.07.2026. And on 22.05.26, this Commission, after hearing the parties and upon perusal of the documents furnished by the PIO vide letter dt.21.02.26, directed the appellants, vide order dt.22.05.26, to visit the o/o the PIO and collect the left out documents within 1(one) week from the date of receipt of said order and report their satisfaction or otherwise therewith to this Commission within 2(two) weeks.

4. AND WHEREAS the PIO was also directed by the same order, to furnish appropriate replies/information, instead of 'N/A', however, making it clear that as per section -7(8)(i) of the RTI Act when an information is denied to the applicant, the reason thereof has to be communicated to the applicant to his satisfaction. And the PIO was, accordingly, directed to furnish on an affidavit the reasons / explanation against those information which are being denied as mandated by section-18(3)(c) of the RTI Act, 2005 and under rule- 5(vi) of the AP Information Commission (Appeal Procedure) Rules, 2005.

5. AND WHEREAS on 22.07.2026, this Commission, upon hearing the parties and on perusal of the information/documents furnished by the PIO and the complaint received from the appellant, had passed the following directions:

"The requirement of law is that the statement containing the reasons or explanation in respect of the information/documents being denied to the appellant are to be furnished on an affidavit as an evidence under the provisions of section-18(3)(c) of the RTI Act, 2005 and under rule- 5(vi) of the A.P Information Commission (Appeal Procedure) Rules, 2005 in view whereof this Commissions deems it appropriate to direct the PIO to furnish a-revised affidavit incorporating therein the statements made in the written submission which the Ld. Counsel has fairly agreed to and assured the appellant and this Commission.

The PIO is, accordingly, directed to furnish the revised affidavit within 1(one) week from the date of receipt of this order and the appellant shall, within 1(one) week thereafter, intimate this Commission of the receipt of the same failing which this appeal shall stand closed without further notice."

6. AND WHEREAS the PIO, in compliance with this Commission's aforesaid direction, had furnished the revised affidavit sworn on 24.07.2026 as under:

"AFFIDAVIT

I, C. J Mannou, presently serving as the Public Information Officer (PIO)-cum-Executive Engineer, Water Resources Division, Namsai, Arunachal Pradesh, do hereby solemnly affirm and state as follows:

3. That by virtue of holding the post of Executive Engineer-cum- PIO, I am the respondent in state information commission case no. of APIC No. 197/2026, am fully acquainted with the facts and records of the case. Hence, I am competent to swear this affidavit.

3. This affidavit is sworn in pursuance to the order and directions of the Hon'ble state information commission vide order dated 17.06.2026 and 22.07.2026.

(a) That in respect of part-A sl. no. A List of schemes sanctioned under 130 AIBP: The office of the PIO-cum-Executive Engineer, Water Resources Division, Namsai, does not have any records/documents pertaining to the schemes sanctioned under 130 AIBP.

(b) That in respect of part -A sl no.3 PFMS payment vouchers: ***this office has not maintain the PFMS payment voucher as the matter is covered under privacy and personal income information which is exempted under RTI Act 2005.***

(c)That in respect of part-B sl. no.2 Agreement between the executing agencies: A copy of the agreement between the executing agency and the contractor is furnished on 22.07.2026 herewith for kind perusal.

(d) That in respect of part-B Sl.no.3 Scheme-wise Letter of Credit (LOC): This office does not receive or maintain scheme-wise Letters of Credit (LoCs). The LOCs are usually deposited in the CEs portal (head-wise).

And I sign this affidavit on this 20th day of the July 2026

Sd/-
Executive Engineer Water
Resources Division Namsal (A.P)

Adv. Kameno Dellang NOTARY PUBLIC
Regd No. 72/2026

VERIFICATION

I, C. J. Mannou, do hereby verify that the contents of paragraphs 1 & 2 and (a to d) of this affidavit are true and correct to my knowledge and belief and that nothing material has been concealed therefrom.

Identified by
Sd/-
ADEMLU TAYANG Advocate

Sd/-
Executive Engineer
Water Resource Division Namsai (A.P)

7. AND WHEREAS the appellants, however, vide their letter dt. Nil (as reproduced below) complained that the statements made in the affidavit are misleading and an attempt to misguide the appellants as well as the Hon'ble Commission and as such demanded penal action against the PIO under Section 20 of the RTI Act, 2005.

"Respected Sir,

This is in compliance with the Hon'ble Commission's Order vide Memo No.APIC-197/2026 dated 22.07.2026 in connection with Case No. APIC-197/2026.

The PIO, WRD Division, Namsai has submitted a revised affidavit to your good office and a copy was served to us on 28.07.2026 through WhatsApp.

Our point-wise submission on his affidavit is as follows:

1. Regarding Scheme list under 130 AIBP (Part-A, Sl. No. A):

In his affidavit, the PIO has stated that the schemes sanctioned under 130 AIBP were executed during his tenure as Executive Engineer at Tezu Division before bifurcation of Tezu and Namsai WRD Divisions, and has asked us to seek information from Tezu Division.

In this regard, we would like to submit that under Section 6(3) of the RTI Act, 2005, if the information sought does not fall under the jurisdiction of the PIO, it is the statutory duty of the PIO to transfer the application to the concerned PIO within 5 days. The PIO has failed to do so and has instead kept us waiting for more than two months, which is a clear violation of the Act and has caused intentional harassment.

2. ***Regarding PFMS Payment to Contractor (Part-A, Sl. No. 3):***

The PIO has denied information on PFMS payment vouchers by invoking Section 8(1)(j) of the RTI Act, 2005, claiming it as personal privacy and private income information.

Section 8(1)(1) exempts only such information which has no relationship to any public activity or public interest, or which would cause unwarranted invasion of privacy.

In the instant case, PFMS vouchers are documents relating to payment of public funds from the Government exchequer to a contractor for execution of public work. This is purely a public activity involving public interest and cannot be denied under Section 8(1)(j). The PID's plea is legally untenable and malafide.

3. Regarding LoCs (Part-B, Sl. No. 3):

The PIO in his affidavit has stated that the office of the Executive Engineer, WRD Division, Namsai does not maintain records of Letter of Credit (LoC) and that the same may be obtained from the Chief Engineer's Office.

This statement is factually incorrect and misleading. As per Central Government Accounts (Receipts and Payments) Rule, 1983, Rule No. 50, the Drawing and Disbursing Officer (000), is mandatorily required to Maintain LoC register-Form GAR-5/CAM-12-

a. Bill Register in Form TR-28A:
b. LoC Register in Form GAR-5:
c. Expenditure Control Register in GFR Form-9

Hence, the clarification furnished in the sworn affidavit is an attempt to misguide the Appellant as well as the Hon'ble Commission.

It is therefore prayed that the Hon'ble Commission may kindly direct the PIO to furnish complete information as sought and initiate penal action under Section 20 of the RTI Act, 2005 for furnishing misleading information and for delay.

Yours faithfully,
Sd/-
Shri Tapir Mize
Sd/-
Shri Tashi Pangu

8. AND WHEREAS this Commission noticed that the statements/clarification made in the affidavit by the PIO in so far as the queries at Sl. Nos.(1) and (3) are concerned, the same were in consonance with the submission made during the hearing. However, the statement against query at No.(2)- regarding PFMS payment to Contractor, was found to be contradictory because the PIO stated that his ***office has not maintained the PFMS payment voucher as the matter is covered under privacy and personal income information which is exempted under RTI Act 2005.*** Such a reply was, in fact, vague and misleading as rightly complained by the appellants. The reply ought to have been specific, either that the o/o PIO does not maintain the PFMS payment details or that the records are available but can not be disclosed as being exempted u/s-8(1)(j) as relied on by the PIO.

9. AND WHEREAS in view of the vague and contradictory replies furnished by the PIO in his affidavit, this Commission, vide order dt.01.09.2026, had directed the PIO to furnish a revised affidavit containing specific clarification within 2(two) weeks from the date of receipt of the said order. But the PIO failed to furnish the revised affidavit to the appellant prompting them to file their complaint dt.17.09.26 (as reproduced below) before this Commission.

"Hon'ble Sir,
The complainants most respectfully beg to submit as under:

4. *That the present petition is in continuation of complaint dated 27.08.2026 in Case No. APIC-197/2026, filed against Shri Chow Jaleeng Mannou (now Superintending Engineer), the then PIO, WRD, Namsai Division, for submitting a false and misleading affidavit dated 24.07.2026 through his counsel Shri Ademlu Tayang, Advocate, seeking penal action under Section 20 of the RTI Act, 2005.*
5. *That this Hon'ble Commission vide Order No. APIC-197/2026/873 dated 01.09.2026 directed the PIO, WRD, Namsai Division to file clarification to his revised affidavit containing misleading declaration, within two weeks from receipt of the order.*
6. *That the statutory period of two weeks expired on 15.09.2026. The PIO has failed to file any clarification till date. Such wilful and deliberate non-compliance amounts to disobedience of the order of this Hon'ble Commission.*

PRAYER

It is therefore most humbly prayed that this Hon'ble Commission may be pleased to initiate stern penal proceedings against Shri Chow Jaleeng Mannou (now Superintending Engineer), the then PIO, WRD, Namsai Division, under Section 20 of the RTI Act, 2005 and other powers vested in this Hon'ble Commission, in the interest of justice.
Dated : 17.09.2026

Yours faithfully
Sd/-
Shri Tapir Mize
Sd/-
Shri Tashi Pangu."

10. AND WHEREAS this Commission, in view of non-compliance of its aforesaid order dt.01.09.26 by the PIO, found the case to be a fit case where necessary action under Section 20 of the RTI Act, 2005 should be taken against the PIO, Er. Shri C. J. Mannou, E.E (WRD), Namsai Division, and as such, Er. Shri C. J. Mannou, E.E (WRD), Namsai Division, Namsai-cum-PIO, was directed, vide this Commission's order dt. 1st Oct., 2026, to appear in person on **12th Oct., 2026 at 2 pm** and show cause as to why penalty of Rs. 25,000.00 (Rupees twenty five thousand) should not be imposed as provided under section 20(1) of the RTI Act, 2005 on him for non-compliance of the direction of this Commission.

11. AND WHEREAS this Commission, in the meanwhile, is in receipt of the copy of letter dt.07.10.2026 from the o/o the PIO addressed to the appellants (as reproduced hereunder) clarifying that the contents of the affidavit dated 20.07.2026, furnished by the former PIO, WRD, Namsai Division at Sl No. 2(b) & 2(d) are not correct and as such, the information related to PFMS vouchers & LOC details available in the Division office record have been furnished to them.

"Sir,

With reference to your RTI application No. NIL dtd. 10/7/2025 and order of the Hon'ble court of Shri S. Tsering Bappu, State Information Commissioner, vide APIC case No.-197/2026, it is to state that the affidavit dated 20.07.2026, furnished by the former Public Information Officer, Water Resources Division, Namsai at Sl No. 2(b) & 2(d) not correct as per RTI act 2005, as such, the following information related to PFMS vouchers & LOC details available in the Division office record has been furnished to you as per Annexure - A for your information & reference, please.

Yours sincerely,
Sd/
Public Information Officer
Water Resources Division
Namsai (A.P)."

12. AND WHEREAS this Commission, after upon perusing the contents of the aforesaid letter carefully, is inclined to belief that the declaration made in the affidavit dt.20.07.2026 by the earlier incumbent PIO, which was directed be furnished afresh, was indeed not correct as clarified by the present incumbent PIO. As such, the question of furnishing a revised affidavit by the PIO, as was directed vide this Commission's order dt.01.09.2026, does not arise and resultantly the Show Cause Notice dt.01.09.2026 has become non est and liable to be closed.

And therefore, this Commission deems it appropriate to close the said Show Cause Notice and dispose of and close this appeal as not warranting any further intervention of this Commission which it, accordingly, does.

Given under my hand and seal of this Commission on this 3nd Nov., 2026.

Sd/-
(S. TSERING BAPPU)
State Information Commissioner,
APIC, Itanagar.

Memo No. APIC-197/2026 /188 **Dated Itanagar, the** 06 **Nov., 2026**

Copy to:

1. The Chief Engineer (WRD), Eastern Zone Miao, Changlang, the First Appellate Authority (FAA) for information.
2. The PIO, o/o the EE (WRD), Namsai Division, Namsai for information.
3. Tapir Mize and Shri Tashi Pangu, Upper Niti Vihar PIN: 791111 Mobile No. 8132895815 for information.
4. The Computer Programmer/Computer Operator for uploading on the website of APIC, please.
5. Office Copy.
7) S/Copy.

Registrar/ Deputy Registrar
APIC, Itanagar.

Registrar
Arunachal Pradesh Information Commission
Itanagar