



**ARUNACHAL PRADESH INFORMATION COMMISSION ITANAGAR
BEFORE THE HON'BLE COURT OF SHRI SANGYAL TSERING BAPPU, STATE
INFORMATION COMMISSIONER**

No. APIC-640/2023

Dated, Itanagar the, 24th September, 2024.

Shri Tai Shiva, Vill-Lekah-Tomru Segment, PO/PS Doimukh, Papum Pare District (A.P)

Vs. Shri Opang Darang, Research Officer-cum-PIO(RTI), Rural Development Department, Govt. of A.P, Itanagar, (AP)

ORDER

(Section 19 (8)(b) (c) r/w Section 20 (1) of the RTI Act, 2005)

1. **WHEREAS** Shri Tai Shiva, Lekha-Tomru Segment/ Village, Doimukh Papum Pare District Arunachal Pradesh filed an application dated 27/04/23 before the PIO Directorate Rural Development Itanagar, Shri Opang Darang, Research Officer 16(sixteen) point information on the **Preparation and Implementation of Watershed Development Projects under PMKSY 2.0 for the State of Arunachal Pradesh** during the period, 2021 to 27.04.23 i.e till filing of his application.
2. **AND WHEREAS** Shri Tai Shiva, had also sought the details of amount drawn and transferred electronically from the Govt. into HDFC Bank Itanagar branch in favour of the Chief Executive Officer, SLNA Project A/C No.50100410022651 (point No.ii) besides the details of amount transferred from the said CEO, SLNA Project A/C (point No.iii).
- (3) **AND WHEREAS** the said Shri Tai Shiva filed appeal memo dated 5-6-23 before the Director-cum- FAA Rural Development Department under Section 19(1) of RTI Act, 2005 on the ground of non-furnishing of the information by the PIO.
- (4) **AND WHEREAS** Shri Tai Shiva filed 2nd appeal dated 12-07-23 before the State Information Commission under Section 19(3) of the RTI Act on the ground that the information furnished by the PIO is incomplete.
- (5) **AND WHEREAS** the records in the appeal revealed that the PIO had furnished most of the sought for information. However, the Joint Director (RE), R.D department, vide his letter No.CD(PLG)555/2023 (RTI) dt.04.04.2024 addressed to the appellant forwarded a copy of Reserve Bank India's Disclosure Policy and intimated that most of the information (documents) sought for by him (appellant) had already been furnished on 14th June, 2023 **except the details of amount drawn and transferred with PIAs (Project Implementing Agencies) which could not be disclosed as it comes under Disclosure Policy of RBI under section 8 (1)(a) (d) and (e) of the RTI Act, 2005**
- (6) **AND WHEREAS** this Commission considered the ground taken by the Joint Director (RD) in his letter with reference to the provisions of section 8 (1)(a) (d) and (e) of the RTI Act, 2005 and found that that the grounds taken by the Joint Director in denying the said information is misplaced inasmuch as the PIAs to whose account the fund received from the Central Govt. under the aforesaid project/Scheme are not the third party but the part of the Public Authority itself, this Commission, by order dt.12.06.2024,

holding that it would be in the larger public interest to divulge the sought for information as the same pertains to an important developmental project in the State, directed the PIO to furnish the left-out information to the Appellant within a period of four weeks from the date of receipt of the Commission's order.

(7) **AND WHEREAS** Shri Tai Shiva, the Applicant/Appellant, vide his letter dated 12-08-24 informed this Commission that the PIO, o/o the Director, Rural Development, Itanagar is deliberately and intentionally not complying with the order of this Commission and no information has been furnished to him and therefore prayed this Commission for taking legal action against the PIO.

(8) **AND WHEREAS** this Commission has taken serious view of the non-compliance of its aforesaid order dated 12/06/24 and accordingly issued show cause notice dt.04.09.2024 to Shri Opang Darang, Research Officer-cum-PIO, Directorate of Rural Development Department, Govt. of A.P as to why action under Section 20 of the RTI Act, 2005 should not be taken against him for disobeying the order of this Commission and was also directed to appear in person before this Commission on 20/09/24 at 2 pm along with his replies/explanations.

(9) **AND WHEREAS** on 20.09.2024 the PIO could not attend the hearing as he was reportedly on Earned Leave (as intimated by the Director (R.D) vide his letter dt.16.09.2024) but the APIO, Ms.Tongyang Annu attended the hearing with the copy of letter dt.12.09.2024 addressed to the Appellant to collect the copies of left out information.

(10) **AND WHEREAS** in the hearing the Appellant, Shri Tai Shiva brought in the information he had received from the o/o PIO but expressed his dissatisfaction thereon stating that the copy of Bank transaction i.e the purported transfer of fund from the CEO, SLNA Project A/c to the PIAs does not mention the A/C numbers of the PIAs. The appellant also re-iterated his demand for taking an appropriate legal action against the PIO for denying him the information despite Commission's order.

(11) **AND WHEREAS** the APIO, Ms. Annu could not give satisfactory explanation for non-compliance of the order of this Commission except stating that efforts are still being made in the Directorate to collate the left out information and that the appellant had also been informed of that fact.

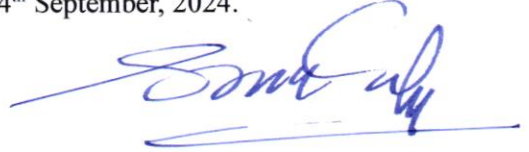
(12) **AND WHEREAS** this Commission has taken serious note of the fact that despite its clear and unequivocal order, the PIO neither furnished the left out information to the appellant nor submitted any explanation / rejoinder to the show cause notice which amounts to disrespect to this Commission and violation of the provisions RTI Act and in view thereof this Commission finds this case a fit case where the PIO is liable to be imposed penalty as provided under Section 20(1) of the RTI Act, 2005 for violation of section 7(1) of the RTI Act, 2005 and also reasonable compensation to the appellant.

(13) **NOW THEREFORE** the PIO, Shri Opang Darang is hereby imposed a penalty of Rs. 25,000.00 (Twenty five thousand) which shall be deposited through Treasury Challan in the name of the Registrar, APIC, Itanagar under the Head of Account : 0070-other administrative charges and also compensation amount of Rs.10,000.00 (Ten thousand) to be paid to the appellant, Shri Tai Shiva.

The PIO shall furnish to this Commission the receipt of the deposit of penalty and payment of compensation within 15 (fifteen) days from the receipt of this order. The PIO is also directed to furnish the left out information to the appellants failing which he shall be liable to further action under section 20(2) of the RTI Act.

With the above directions, the Show Cause Notice dt. 04.09.2024 is disposed of.

Given under my hand and seal of this Commission on this 24th September, 2024.



(S. Tsering Bappu)
State Information Commissioner

Memo.No.APIC- 640/2023/345

Dated, Itanagar, the 24th September, 2024

Copy to:

1. The Director, Rural Development Dept., Govt. of Arunachal Pradesh, Itanagar for information and necessary action to ensure the compliance of this order by the PIO Concerned without fail to avoid further action under section 20 (2) of the RTI Act, 2005.
2. Shri Tai Shiva, Village-Lekha-Tomru Segment, PO/PS-Doimukh, PH- 6909662248, Papum Pare District, Arunachal Pradesh for information.
3. ✓ The Computer Programmer for uploading on the Website of APIC.
4. Office copy.



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