



**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 28<sup>th</sup> Oct, 2024.

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

**Vs.**

**Shri Opang Darang, (Research Officer)-cum-  
PIO, o/o Directorate of Rural Development  
Govt. of A.P, Itanagar, (AP)**

**ORDER**

{Section 19 (8)(c) r/w Section 20 (2) 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 of Rural Development, Govt. of A.P, Itanagar, Shri Opang Darang, Research Officer requesting for 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.4(c)(ii)} besides the details of amount transferred from the said CEO, SLNA Project A/C {point No.4(c)(iii)}.
- (3) AND WHEREAS** the said Shri Tai Shiva filed appeal memo dated 05-06-23 before the First Appellate Authority (FAA), the Director (Rural Development), Govt. of A.P 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 2<sup>nd</sup> 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 and the appeal was heard for two times on 31-01-24 and 12-06-24 and this Commission on 12.06.2024 passed order directing the PIO to furnish the information to the appellant within a period of four weeks from the date of the receipt of the order.
- (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) of the Directorate, 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 14<sup>th</sup> 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 on perusal and careful consideration of 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, found that that the grounds taken by the Joint Director in denying the said information was misplaced inasmuch as the PIAs to whose account the fund received from the Central Govt. under the aforesaid project/Scheme were allotted were not the third party but the part of the Public Authority itself and as such 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 prayed this Commission for taking legal action against the PIO.

(8) **AND WHEREAS** this Commission taking serious view of the non-compliance of its aforesaid order dated 12/06/24 by the PIO, issued show cause notice dt.04.09.2024 to him to explain 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 and the left out information.

(9) **AND WHEREAS** on 20.09.2024 the PIO did 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 documents 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, vide order dt. 24.09.2024, taking 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 satisfactory explanation / rejoinder to the show cause notice which clearly amounted to disrespect to this Commission and violation of the section 7(1) of the RTI Act, 2005 and thus compelling this Commission to hold the PIO liable to penalty provided under Section 20(1) of the RTI Act, imposed a penalty of Rs. 25,000.00 (Twenty five thousand) on him and also compensation of Rs.10,000.00 (Ten thousand) to the appellant, Shri Tai Shiva.

13. **AND WHEREAS** the said show cause notice dt.04.09.2024 was, hence, disposed off with the direction to the PIO to furnish the left out information to the appellant, as assured by the APIO in the hearing on 20.09.2024, failing which, it was made clear that, the PIO shall be liable to further action under section 20(2) of the RTI Act which provides as under:

*"20(2) Where the Central Information Commission or the State Information Commission, as the case may be, at the time of deciding any complaint or appeal is of the opinion that the Central Information Officer or the State Information Officer, as the case, may be, has, without any reasonable cause and persistently, failed to receive an application for information or has not furnished information within the time specified under sub-section(1) of section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall recommend for disciplinary action against the Central Public Information Officer or the State Public Information Officer, as the case may be, under the service rule applicable to him"*

14. **AND WHEREAS** the PIO had since furnished the copy of T/Challan No 76 dt.04.10.2024 for Rs.25,000.00 deposited in the Head of Account : 0070-other administrative charges and also Money Receipt dt. 04.10.2024 for Rs.10,000.00 (Rupees ten thousand) from Shri Tai Shiva, the Appellant. However, the Appellant, Shri Tai Shiva, vide his complaint letter dt.07.10.2024, addressed to this Commission, informed that although he had received a copy of partial 'PFMS generated print payment advice' showing the credit/transfer/release of the WDC-PMKSY 2.0 Project fund to the Project Implementing Agencies (PIAs), he has not been furnished the information against his query at Sl.No 4(c)(ii) & (iii) of his application in Form-A, viz, (a) the Details of amount drawn and transferred electronically from the Govt. into the HDFC Bank, Itanagar branch in favour of Chief Executive Officer, SLNA Project fund account no.50100410022651 and (b) the Account details of IFSC code No. HDFC0001643 with details of amount transferred from CEO, SLNA Project fund account No.5010041002265. He has also stated that as per the RTI replies obtained from various PIAs no WDC-PMKSY 2.0 Project fund was received by them and further alleged that the said fund was directly credited/transferred to the vendors/firms/contractors by the Director(RD)-cum-CEO, SLNA, Arunachal Pradesh.

15. **AND WHEREAS** on perusal of the replies / documents received by the appellant from the PIO, it is observed that the remaining information against his queries at Sl.No. 4(c)(ii) & (iii) have not, in fact, been furnished by the PIO thereby disobeying the order of this Commission yet again and attracting the action under sub-section(2) of section 20 of the RTI Act.

16. **AND WHEREAS** the Appellant, besides reiterating his request for the left out information as above, hence, demanded for recommendation of disciplinary proceedings against the PIO as provided under section 20(2) of the RTI Act and also for action under section 223 of the BNS by filing an FIR against him for furnishing false, misleading and incomplete information. The extract of section 223 of the BNS in Chapter XIII under the heading '**OF CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS**' is reproduced hereunder:

**"223. Disobedience to order duly promulgated by public servant.**- *Whoever, knowing that by an order promulgated by a public servant lawfully empowered to promulgate such order, he is directed to abstain from a certain act, or to take certain order with certain property in his possession or his management, disobeys such direction,-*

- (a) *Shall, if such disobedience causes or tends to cause obstruction, annoyance or injury, or risk of obstruction, annoyance or injury, to any person lawfully employed, be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to two thousand and five hundred rupees, or with both;*
- (b) *And where such disobedience causes or tends to cause danger to human life, health or safety, or causes or tends to cause a riot or affray, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to five thousand rupees, or with both.*

*Explanation,- It is not necessary that the offender should intend to produce harm, or contemplate his disobedience as likely to produce harm. It is sufficient that he knows of the order which disobeys, and that his disobedience produces, or likely to produce, harm."*

17. **AND WHEREAS** the aims and intent of BNS Section 223 could be explained as under:  
a) That BNS Section 223 is a legal provision that addresses the disobedience to orders promulgated by public servants in the matters of public order and safety. This section is aimed at ensuring compliance with directives issued by public officials who are legally authorised to create and enforce such orders;

- b) That the primary role of BNS Section 223 is to protect public order and safety;
- c) That the language of the section specifies that any individual who, knowing an order has been lawfully given by a public servant to abstain from a certain act or to manage certain property in a specific way, and choose to disobey this order, faces legal consequences;
- d) That the types orders under BNS Section 223 include directives related to public safety, health regulations and maintenance of public order. These orders could dictate traffic movements, impose restrictions during emergencies or manage public gatherings, among other things;
- e) That disobedience under this section occurs when an individual knowingly fails to comply with a lawful order issued by a public servant and the scenario which could be construed as disobedience under this section, includes (a) ignoring traffic signals or directives during a managed road closure (b) failing to evacuate an area after a public safety order is issued (c) refusing to comply with health and safety regulation during public health emergencies etc.

18. **AND WHEREAS** from the explanation of the provisions of BNS Section 223 as above, it could be concluded that the section does not cover the cases of violation of the provisions of RTI Act or the disobedience of the order passed by the Commission under the RTI Act as demanded by the Appellant, Shri Tai Shiva, more so, the RTI Act nowhere envisages or mandates legal action under any law other than under section 20 for violation of its provisions. The demand of Shri Tai Shiva, in the context of RTI provisions is, hence, totally misplaced and has no merit.

19. **NOW THEREFORE** this Commission, while rejecting the demand of Shri Tai Shiva for action against the PIO under section 223 of the BNS by filing an FIR for furnishing false, misleading and incomplete information, however, is compelled to invoke the provisions of sub-section(2) of section 20 of the RTI Act, 2005 and accordingly recommends for disciplinary action against the PIO, Shri Opang Darang (Research Officer), Directorate of Rural Development, Govt. of A.P, Itanagar. The competent authority is directed to initiate and take necessary disciplinary action against the PIO under the relevant Service Rules applicable to him within 45 (forty five) days from the receipt of this order and the action taken report thereon shall be intimated to this Commission.

The case is disposed of in above terms with liberty to both the parties to prefer appeal, if so desire / advised, in pursuance of section 23 of the RTI Act, 2005.

Given under my hand and seal of this Commission on this 28.10, 2024.

Sd/-

(S. Tsering Bappu)

State Information Commissioner,

Arunachal Pradesh Information Commission

Dated, Itanagar, the 28<sup>th</sup> Oct., 2024

**Memo. No. APIC- 640/2023/ 279**

Copy to:

1. The Secretary(Rural Development) Govt. of Arunachal Pradesh, Itanagar for information and necessary action.
2. The Director (Rural Development), Govt. of Arunachal Pradesh, Itanagar for information and necessary action please. This refers to this Commission's earlier order dt.24.09.2024.
3. Shri Tai Shiva, Village-Lekha-Tomru Segment, PO/PS-Doimukh, PH- 6909662248, Papum Pare District, Arunachal Pradesh for information.
4. The Computer Programmer for uploading on the Website of APIC.
5. Office copy.

Registrar/Dy. Registrar

APIC, Itanagar.

Arunachal Pradesh Information Commission  
Itanagar