



ARUNACHAL PRADESH INFORMATION COMMISSION, APIC
ITANAGAR

An Appeal Case U/S 19(3) of RTI Act, 2005.

Vide Case No. APIC-101/2024

(Summon to appear in person)
(Or. 5, R.3 of CPC)

Shri Riya Taram -V/S- PIO-Cum-EE, Dept. of Power, Palin, Kra-Daadi District
.....

ORDER

WHEREAS, in connection with the **APIC-No. 223/2024**, your personal appearance is required before the Commission on **30th January, 2025 at 10:30 AM**. The **4th** hearing held on **26th November, 2024**. The PIO found absent consecutively for four times during the hearing i.e. on **07.05.2024, 06.06.2024, 06.08.2024 & 26.11.2024**, without intimating to the Commission the reason for his inability to attend the hearing, which is unbecoming on the part of the PIO, who has to be reminded that, the PIO besides public duties, also has to attend Court hearings when an appeal is preferred against him as per the provisions of the RTI, Act, 2005, which is a statutory duty binding upon the PIO.

And the Appellant Shri Riya Taram and his party are also found absent during the hearing with an intimation to the Commission the reason for their inability to attend the hearing due to health issues.

The Commission has seriously viewed the absence of the PIO for his reluctant attitude for not complying the repeated orders of this Court and the PIO's repeated absence from the hearing is drawn as a clear contempt of this Court and an act qualifying to be taken action as per the provisions of section **20 (2) of the RTI Act, 2005**.

The Commission has issued multiple summon notices to the PIO to attend the hearing wherein he is a party but, despite such notices to the PIO, he has failed to appear before the Commission even once and that he has also been issued show cause to answer as to why he failed to appear before the Commission but, till now the PIO has not bothered even to reply any of the notices issued to him. Which implies that the PIO is adamant in not discharging his statutory duties.

After exhausting the available ways and means with the Commission, it is now found that the PIO is deemed fit to be initiated action to appear in the court of the Commission for hearing as per the provisions of Section 25(5) of the RTI Act, 2005 ;

(i) The provisions of RTI Act, Section 25 Sub-section 5 states that, "if it appear to the Central Information Commission or State information Commission, as the case may be, that the practice of a public authority in relation to the exercise of its functions under this Act does not conform with the provisions or spirit of this act, it may give to the authority a

recommendation specifying the steps which ought in its opinion to be taken for promoting such conformity”. Concomitant upon the contempt of the PIO to this Court orders, compels the Commission to initiate action against the PIO under the provisions of Section 25(5) upon which the apex Court of the Country, the Supreme Court also has ordered; in the Supreme Court of India, Civil Original Jurisdiction writ petition (CIVIL) No. 990 of 2021. Kishan Chand Jain..PETITIONER(S) -Versus- Union of India & Ors. ...RESPONDENT(S);

“Apart from the obligation of monitoring and reporting, the Central and State Information Commissioners are also given the power to recommend steps which the public authority ought to take in implementing the Act. Under Sub-Section (5) of Section 25 is in the following terms: “(5) If it appears to the Central Information Commission or State Information Commission, as the case may be, that the practice of a public authority in relation to the exercise of its functions under this Act does not conform with the provisions or spirit of this Act, it may give to the authority a recommendation specifying the steps which ought in its opinion to be taken for promoting such conformity.”

Having examined the Right to Information established by the statute under Section 3 in the context of the obligations of public authorities under Section 4, we are of the opinion that the purpose and object of the statute will be accomplished only if the principle of accountability governs the relationship between ‘right holders’ and ‘duty bearers’. The Central and State Information Commissions have a prominent place, having a statutory recognition under Chapters III and IV of the Act and their powers and functions all enumerated in detail in Section 18 of the Act. *We have also noted the special power of ‘Monitoring and Reporting’ conferred on the Central and State Information Commissioners which must be exercised keeping in mind the purpose and object of the Act, i.e., ‘to promote transparency and accountability in working of every public authority’ (sic).*

And therefore the Court ordered;

- (i) To issue a last Warning summon notice to the Appellant and PIO to appear before the Commission in person or through online mode in the next date of hearing. *Failing which their appeal shall be decided ex-parte.*
- (ii) *To order Secretary Power, (Electrical) Govt. of Arunachal Pradesh, who is the appointing authority of the PIO in this appeal to ensure the presence of the PIO in this appeal, who is serving as an Executive Engineer under power (E) under Palin Division, Govt. of A.P in the next date of hearing of this appeal, which is fixed on 4th February 2025. The action taken for securing the attendance of the PIO be*

initiated at the earliest and the copy of the order of action taken be intimated to this commission by sending a copy to this Commission before the date fixed for the next hearing which is fixed on dated ; **4th February 202 PM (Afternoon)**.

- (iii) The order to the Secretary Power, (Electrical) Govt. of A.P. be communicated to his office, for compliance.

The Court ordered;

The next date of hearing be fixed on 4th February 2025 at 1:30 PM (Afternoon)

N.B:- To avail online hearing please at least notify or get in touch one day prior to the hearing, download **“WEBEX MEETING APP”** from Google Play store. For further technical assistance may contact **Shri Himanshu Verma, IT Consultant (Mobile no. 8319014957)**.

It is so ordered this 26th day of November, 2024 at 04:30 PM.

Sd/-

(Vijay Taram)

State Information Commissioner
APIC, Itanagar.

Memo. No. APIC-101/2024/358 Dated Itanagar, the.....9.....December 2024

Copy to:

1. The PIO-Cum-EE, Power/Electrical, Palin Div. Kra-Daadi District, Arunachal Pradesh for information and necessary action. **Pincode- 791118**
2. Shri Riya Taram and Shri Takam Sakap, C/o 3D Hotel Chandranagar, Itanagar, P/Pare District, Arunachal Pradesh for information and necessary action. Contact No-**9383103387/ 9402443699**
3. The Secretary Power (Electrical) Itanagar, Govt. of Arunachal Pradesh for information and necessary action.
4. The computer Operator, for uploading on the website of APIC, please.
5. Office Copy.



Registrar/Dy. Registrar

Itanagar

Arunachal Pradesh Information Commission
Itanagar