



सूचना का
अधिकार
RIGHT TO
INFORMATION



ARUNACHAL PRADESH INFORMATION COMMISSION (APIC)
ITANAGAR

File No. APIC-No.1112/(R)2023(Appeal)

Shri Paw Maling

Airport Colony, Daporijo
Upper Subansiri District A.P
Pin: 791122
(M) 7085636687/8837275365

Appellant

Versus

PIO,

Executive Engineer

RWD, Daporijo Division
Upper Subansiri District AP
Pin: 791122

Respondents

SHOW CAUSE NOTICE

(Form-4 CPC R/W Sec – 20 (1) & (2) of the RTI Act, 2005)

To,

Shri Taluk Rai,

PIO O/o the Executive Engineer
RWD, Daporijo Division
Upper Subansiri District AP
Pin: 791122

Whereas, Shri Paw Maling filed second appeal against you before the Arunachal Pradesh Information Commission, Itanagar, on 30.09.2024 (R) U/S 19 (3) of RTI Act, 2005 registered vide appeal no. APIC-1112/2023, wherein, alleging against you that you have not furnished information sought by him in RTI application dated 24.08.2023 relating to the matter as quoted in Form-A application.

Whereas, you being the PIO - the EE, RWD, Daporijo Division, Upper Subansiri District, Arunachal Pradesh, have failed to furnish the information sought under RTI Act, 2005 to the Appellant within prescribed period of 30 days from the receipt of his application as provided under section 7 (1) of the RTI Act, 2005 without any reason, whereby, amounting to violation of the sub section (1) of section 7, which liable for imposing reasonable penalty against you under sub section (1) of section-20 of the RTI Act 2005.

Whereas, date of hearing of the appeal was intimated to you well in advance for the hearing dated 20.01.2025 but you were found absent during the hearing without any information to this Commission / Court, which is unbecoming on the part of PIO, who has to be reminded that, the PIO besides performing public duties, also has to attend court hearing 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, thereby amounting to contempt of this court. And this commission being empowered with powers of Civil Court U/S 18, sub-section (3), clause (a) of RTI Act, 2005. Hence the commission has seriously viewed your absence and found it fit for imposing reasonable penalty for your neglect in furnishing the information(s) to the appellant, as well as not complying to the hearing notice of this commission / court.

Whereas, the appellant stated before commission that till today's hearing dated 20.01.2025 he has not received any of the information from the PIO as sought in his form-A application despite the order passed by this court / commission on 14.11.2024.

After hearing the appellant, the commission observes that in the last hearing on 14.11.2024 "the commission has directed to the PIO to furnish the information of each project under BE /RE 2022-23 in Division to the appellant within 15 days from the date of issue of the Order under intimation to this commission. The appellant shall intimate to this commission in writing the status of information received / or non-receipt of the information in time specified here. Further, the commission warns the PIO for his remaining absent in the hearing which violates the implementation of RTI Act, 2005. Your failure to comply the order / direction of this commission / court shows the defiant attitude of you in honouring the order of this commission.

Your act of defying the order of this commission seems you to be a contemnor, for which this commission has been compelled to issue this show cause notice to you as to why you failed to appear before the court / commission without any intimation, failed to provide information to the appellant and failed to comply with orders of this court / commission.

You are once again directed to provide the information as ordered earlier to the appellant on or before the next date of hearing. And it is to be mentioned in this

order that if same attitude is repeated by you / PIO in next date of hearing, **the PIO shall be issued arrest warrant as per order 21, rule 37 of Civil Procedure Code empowered upon the commission by section 18(3) and section 20(1) & (2) under RTI act, 2005.**

Therefore, you are hereby ordered to submit a **written explanation** of your conduct and provide the commission a valid cause, why penalty should not be imposed against you as provided in section 20 (1) of the RTI Act, 2005 for violation of sub section (1) of the section 7 of RTI Act, 2005 and it should reach to this commission on or before **10.02.2025.**

Next date of hearing shall be issued in due course of time. And you are hereby ordered to appear in person before the commission (APIC) in the next date of hearing along with information sought by the appellant. Failing which, the matter will be heard and determined in your absence.

Order pronounced in the Open Court of this Commission today this 20th day of January' 2025. Each copy of the Judgement / Order be furnished to the parties.

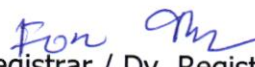
Given under my hand and seal of this Commission / Court on this 20th day of January 2024.

Sd/-
(Dani Gamboo)
State Information Commissioner

Memo No. APIC-1112/2023/369
Copy to:

Dated Itanagar 23 Jan' 2025.

1. The Chief Engineer, RWD, Western Zone, Itanagar.
2. Computer Programmer Itanagar APIC to upload in APIC website and mailed to concerned department email.
3. Office copy.


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