



**ARUNACHAL PRADESH INFORMATION COMMISSION, (APIC)
ITANAGAR, ARUNACHAL PRADESH**

Appeal U/S 19 (3) of RTI Act, 2005
Vide No. APIC-139/2024

Shri Pem Dondup Thongkar &
Shri Khandu Thongkar, Dirang
West Kameng District
Arunachal Pradesh

APPELLANT

-VERSUS-

PIO- O/o the EE, PWD, Dirang,
District: West Kameng,
Govt. of Arunachal Pradesh

RESPONDENT

SHOW CAUSE NOTICE

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

To,

Er. Joram Oku,
PIO- O/o the EE, PWD, Dirang,
District: West Kameng, Govt. of Arunachal Pradesh.

WHEREAS, Shri Pem Dondup Thongkar & Shri Khandu Thongkar filed the Second Appeal against you before the Arunachal Pradesh Information Commission, Itanagar, on 04.03.2024 U/S 19 (3) of RTI Act, 2005 vide Appeal No. APIC-139/2024, wherein, alleging against you that you have failed to furnish information sought by him under Form-A of his application dated 04.10.2023 relating the matter as quoted in Form-A application.

WHEREAS, you, being PIO- O/o the EE, PWD, Dirang, West Kameng District, Arunachal Pradesh have refused to furnish the information sought under RTI Act, 2005 to the appellant within the prescribed period of 30 days from the date of receipt of his application as provided under Sub-Section (1) of Section-7 of the Act without any reason, whereby, amounting to violation of the said sub-section (1) of section-7, which is 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 in the last date of hearing dated 09.05.2024 but you were found absent during the hearing without any intimation to this Commission/Court, which is unbecoming on the part of the PIO, who has to be reminded that, the PIO besides performing 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, thereby amounting to contempt of this Court. And this Court being empowered with the powers of Civil Court U/S 8, 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 Court/Commission.

WHEREAS, the Appellant stated before the Commission that till date 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 09.05.2024, the appellant further stated that,

he has visited the your office several times for collecting the information but no action has been initiated by you to provide the information till the second hearing of the appeal, which is today.

After hearing the Appellant, the Commission observed;

- (i) That, in the last hearing on dated 09.05.2024 the PIO that is you, were ordered to provide all the information to the Appellant.
- (ii) Your failure to comply the order/direction of this Court/ Commission shows the defiant attitude of you in dishonoring the order of this Court/Commission.
- (iii) Your act of defying the order of this Commission beseem you to be a contemnor, for which the Commission has been compelled to **ORDER;**
- (i) To issue show cause to you as to why you failed to appear before the Court/Commission without any intimation.
- (ii) Why you failed to provide the information to the Appellant as mentioned in his form 'A' Application by denying the statuary rights of the Appellant.
- (iii) Why you failed to comply with the orders of this Court/Commission.

The Commission further ordered;

- (i) The PIO/you to provide all the information to the Appellant on or before the next date of hearing and it is to be mentioned in this order that if the same attitude is repeated by the PIO/you in the 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) clause (a), (b), (c) & (e) and Section 20 (1) & (2) under the 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 Section 7 of the RTI Act, 2005 and it should reach to this Commission on or before the next date of hearing. And you are also hereby ordered to appear in person or through online mode before the Commission (APIC) for hearing on **13th August, 2024 at 0230 hrs** along with all the information(s) sought by the Appellant. Failing which, matter will be heard and determined in your absence.

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

N.B:- the PIO & the Appellant can also avail online mode of hearing by downloading “ ***Webex App***” from Google Play store and may contact ***shri Himanshu Verma*** at ***Mob:- 8878891768*** for further technical assistance.

Sd/-
Vijay Taram
State Information Commissioner

Memo. No. APIC-139/2024 / 87 Dated Itanagar, the... 10 July, 2024.

Copy to:-

1. Shri Pem Dondup Thongkhar & Shri Khandu Thongkhar, Dirang, West Kameng District Arunachal Pradesh for information please. **Contact no. - 8414992277/8119985567.**
2. The computer Operator, APIC for uploading on the website of APIC, please.
3. Office Copy.

Registrar/Dy. Registrar
APIC Itanagar

Deputy Registrar
Arunachal Pradesh Information Commission
Itanagar.