सत्यमेव जयते

सूचना का अधिकार
RIGHT TO INFORMATION

ARUNACHAL PRADESH INFORMATION COMMISSION
ITANAGAR
BEFORE THE HON'BLE COURT OF SHRI SANGYAL TSERING BAPPU,
STATE INFORMATION COMMISSIONER
An Appeal Case U/S 19(3) of RTI Act, 2005
Case No. APIC-46/2025.

APPELLANT : Shri Nechang Kamki & Tarh Rahan,Upper Niti Vihar, Itanagar.

RESPONDENT : The PIO o/o CE(RWD)(PMGSY), Govt. of A.P, Itanagar.

ORDER

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

WHEREAS Shri Nechang Kamki & Tarh Rohan, Upper Niti Vihar, Itanagar, vide their application dated 07.11.2024 had requested the PIO o/o the Under Secretary (RWD), Govt. of Arunachal Pradesh furnishing the following information under section 6(1) of RTI Act, 2005 vide:

A) **Particular of information**: Maintenance of PMGSY road;

B) **Details of information required:**

1) the e-Marg (Electronic Maintenance of rural road under PMGSY statement of above said project/Scheme) and

2) all bank authorization letter of above said project/scheme.

C) Period for which information asked for : 2023 – 24

2. AND WHEREAS the appellants failed to obtain the information from the US(RWD) which prompted them to file their 1st appeal before the Secretary (RWD), the First Appellate Authority under section 19(1) of the RTI Act vide their appeal memo dt. 11.12.2024.

3. AND WHEREAS the appellants having failed yet again to obtain the information despite approaching the FAA, preferred their 2nd appeal before this Commission under section 19(3) of the RTI Act vide their appeal memo dt.13.01.2025. The appeal was, thus, listed and heard for 4(four) times on 04.04.2025, 23.04.205, 30.05.2025 and on 16.07.2025.

4. AND WHEREAS on 04.04.2025 the appellants, Shri Nechang Kamki & Tarh Rahan, Upper Niti Vihar, Itanagar were present in person but the PIO, the Under Secretary (RWD), vide letter dt.28.03.2025, informed that she had joined the present place of posting recently and such she is not fully acquainted with the works of the department. She, therefore, requested for some time to collate the sought for information.

She also, stated that "*the information requested by the appellants pertain to the subject being dealt with by the o/o the CE(RWD)(PMGSY), Itanagar and as such the RTI application was forwarded to the PIO, o/o the CE(RWD)(PMGSY), Govt. of A.P, Itanagar vide letter dt.13.03.2025 with a direction to furnish the information as sought for by the appellants*."

5. AND WHEREAS in the hearing on 23.04.2025, this Commission upon hearing the PIO, the U.S (RWD), Civil Sectt., Ms. Boa Yamik and PIO, o/o the CE (RWD) (PMGSY), Itanagar, Er. Shri Deniel Pertin, E.E and considering the factual position stated by the US(RWD)-cum-PIO, o/o the Secretary (RWD) that "*the information requested by the appellants are available with the o/o the CE(RWD)(PMGSY), Itanagar* decided to summon the PIO o/o the CE (RWD)(PMGSY) and, accordingly, the PIO, o/o the CE was summoned for hearing and directed him to furnish the sought for documents to the appellants.

6. AND WHEREAS in the hearing on 30.05.2025 the PIO, Er. Shri Shri Deniel Pertin, E.E appeared with the requested documents but the documents were found not signed and as such this Commission, upon hearing the parties and on perusal of the documents, directed the PIO to furnish the dully singed documents with proper indexing in tabular form and also to furnish some of the remaining documents in pen-drive within 5(five) days.

7. AND WHEREAS the appellants intimated this Commission vide their letter dt.09.06.25 that inspite of the order dt.02.06.2026 passed by this Commission, the PIO failed to furnish the documents. They, therefore, pleaded this Commission for penal action against the PIO under section 20 (1) and (2) of the RTI Act, 2005 for deliberate non-compliance of the order of this Commission.

8. AND WHEREAS this Commission also noticed that the PIO has failed to comply with the order of this Commission which attracts penal action under section 20 of the RTI Act. As such vide order dt.13.06.2025 the PIO was directed to comply with the order dt.02.06.2025 of this Commission within one month and it was made clear that if he fails to comply with the direction the penal action precribed under section 20(1) of the RTI shall be invoked without further notice, further making clear that the order be treated as the Show Cause Notice and the hearing of appeal was adjourned to 16.07.2025.

9. AND WHEREAS on 16.07.2025 the appellants, accompanied by their Counsel, Shri Dope Ori were present but the PIO, Er. Shri Deniel Pertin, EE appeared through VC.

10. AND WHEREAS the appellants, reiterating their demand for the information, submitted that they have received the information on routine maintenance of the PMGSY Road but did not receive the information /documents on other categories of maintenance such as periodical and FDR (Full Depth Reclamation).

11. AND WHEREAS the PIO, when asked as to why the requested documents/information as directed by this Commission in its order dt.02.06.2025 was not furnished to the appellant, submitted that the documents are not held by his office but by the o/o the CEO(PMGSY) or the o/o the Secretary (RWD). He also submitted that he has no knowledge or records of the remaining two categories of maintenance, namely periodic and FDR.

12. AND WHEREAS this Commission found the response of the PIO to be unconvincing and unsatisfactory in as much as in the last hearing on 30.05.2025, he had assured to provide complete information in hard copies as well as in pen-drive making the case as a fit case where penalty as prescribed under section 20 of the RTI Act, 2005 should be impose on him for violation of section 7(1) of the RTI Act, 2005.

13. NOW THEREFORE the PIO, Er. Shri Deniel Pertin, EE 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. The PIO shall furnish to this Commission the receipt of the deposit of penalty within 15 (fifteen) days from the receipt of this order. The PIO is also directed, in terms of rule 5(vi) of the AP Information Commission (Appeal Procedure) Rules, 2005, to furnish an affidavit declaring that his office does not hold information /documents on other categories of work such as periodical and FDR (Full Depth Reclamation) in the maintenance of PMGSY road failing which he shall be liable to further action under section 20(2) of the RTI Act.

Given under my hand and seal of this Commission on this 18th July, 2025.

Sd/-
(S. TSERING BAPPU)
State Information Commissioner,
APIC, Itanagar.

Memo No. APIC- 46/2025/518 Dated Itanagar, the 18 July, 2025

Copy to:

1. The Secretary (RWD), Govt. of A.P. Itanagar for information for ensuring compliance by the PIO concerned in terms of .
2. The Chief Engineer (RWD)(PMGSY), Govt. of A.P, Itanagar, the First Appellate Authority (FAA) for information and ensuring compliance by the PIO.
3. The PIO, o/o the CE (RWD)(PMGSY), Govt. of A.P, Itanagar for information and compliance.
4. The PIO, o/o the Under Secretary, RWD, Govt. of Arunachal Pradesh, Itanagar.
5. Shri Nechang Kamki& Tarh Rahan Upper Niti Vihar, Itanagar, PIN No.791111 Mobile No. 9436872228 for information.
6. The Computer Programmer/Computer Operator for uploading on the Website of APIC, please.
7. Office copy.

Registrar/ Deputy Registrar
APIC, Itanagar.

Deputy Registrar
Arunachal Pradesh Information Commission
Itanagar