सत्यमेव जयते

सूचना का अधिकार
RIGHT TO INFORMATION

ARUNACHAL PRADESH INFORMATION COMMISSION, ITANAGAR.

An Appeal Case U/S 19(3) of RTI Act, 2005
Case No. APIC- 645/2023.

APPELLANT : Shri Nayan Muni Chakma, Buddhist Thai-Bharat, Society, P.o Bodhgaya, Dist. Gaya, Bihar, PIN:-824231

Vs

RESPONDENT :The PIO O/o the Extra Assistant Commissioner, (EAC), Miao Sub-Division, District Changlang A.P.

ORDER

This is an appeal under Section 19(3) of RTI Act, 2005 received from Shri Nayan Muni Chakma for non-furnishing of information by the PIO O/o the Extra Assistance Commissioner, Miao Sub-Division District Changlang, A.P as sought for by the Appellant under section 6(1) (Form-A) of RTI Act, 2005.

Facts emerging from the appeal:

The brief facts as reveal from the record are that the appellants, Shri Nayan Muni Chakma, Buddhist Thai-Bharat, Society, P.O Bodhgaya, Dist. Gaya, Bihar, vide his application dt.06.02.202, filed before the PIO- o/o the Extra Assistant Commissioner, (EAC), Miao Sub-Division, P.O /P.S Miao, District Changlang, Arunachal Pradesh requesting for the following information:

1. Supply clear photocopy of record of all cadastral Surveys, Non-Cadastral Surveys, National Sample Surveys and Boundary Surveys carried out since 1967 to 2007, in above mentioned villages, under Miao Sub-Division, (Miao-01680), Dist. Changlang, Arunachal Pradesh.
2. Supply Clear photocopy of notifications and guidelines issued since 1967 to 2007, by Govt. of India and State Govt. of Arunachal Pradesh, regarding to conduct and carry out the Cadastral Surveys, Non-Cadastral Surveys, National Sample Surveys and Boundary Surveys.
3. Supply clear photocopy of Order and Circulars issued since 1967 to 2007, by the Extra Assistance Commissioner (E.A.C), Circle Miao, Sub-Division Miao, PO & PS Miao, Dist. Changlang, Arunachal Pradesh, to conduct Cadastral Surveys, Non-Cadastral Surveys, National Sample Surveys and Boundary Surveys in above mentioned Villages.

In response to the said application of the appellant, the EAC and the APIO, Miao Sub-Division, vide his letter dt. 24.02.2023 addressed to the appellant, rejected the application saying that no office as such exists as per their information.

The Appellant, being dissatisfied with the reply of the EAC - cum-APIO, filed 1st appeal dt.22.03.2023 before the Deputy Commissioner, Changlang District under section 19(1) of the RTI Act, 2005. But he failed to obtain the sought for information even on 1st appeal which made him file his 2nd appeal before the Commission vide his application dt. 27.05.2023 (received in the Commission on 13.07.2023) under section 19(3) of the RTI Act.

The Memo of his 1st appeal dt. 22.03.2023 under section 19(1) of the RTI Act showed that the appellant had filed his 1st appeal before the Deputy Commissioner, Changlang instead of the Additional Deputy Commissioner, Miao who is the actual First Appellate Authority as per the O.M No.AR-117/2015 dt.17th September, 2015 issued by the AR department , Govt. of Arunachal Pradesh.

Since the 1st appeal under section 19(1) has not been filed before the appropriate Authority having the jurisdiction, this Commission, vide order dt.05.08.2024 remanded this appeal to the Additional Deputy Commissioner, Miao to adjudicate on the appeal as the First Appellate Authority under section 19(1) of the RTI Act 2005. While remanding the appeal to the FAA, the appellant was granted liberty to approach this Commission in Second Appeal under section 19(3) of the RTI Act in case he felt aggrieved by the decision of the FAA.

This Commission has now received letter dt.09.09.2025 from the appellant on 17.09.2025 stating that in compliance with the order dt.05.08.2024, he had submitted his 1st appeal before the ADC, Miao, the FAA on 04.09.2024 but he did not receive any information from the PIO not any response from the FAA and as such he pleaded for taking action against the PIO concerned.

The relevant portion of his letter is extracted hereunder:

"In compliance with the above direction, I submitted the 1st appeal (photocopy enclosed) on 04/09/2024, before the First Appellate Authority, in the office of the Additional Deputy Commissioner (ADC), Miao to ensure my right to information by directing the Public Information Officer (PIO), in the office of the Extra Assistant Commissioner (EAC), Sub -Division Miao, Dist. Changlang, Arunachal Pradesh to furnish the requested information. However, I have, till date, not received any information from the concerned Public Information Officer, nor have I been served with any order or communication from the Appellate Authority, Miao.

Therefore, I, the undersigned humbly appeal before the Chief Information Commissioner, office of the Arunachal Pradesh Information Commission, Itanagar to ensure my right to information under the Right to Information Act, 2005 by proceeding legal action against the concerned Public Information Officer, Miao and the 1st Appellate Authority Miao to furnish the sought information in my RTI petition filed on dated 06/02/2023. For this kind act, | shall ever be grateful to you."

In this regard this Commission deems it appropriate to bring to the attention of the appellant the provisions of section 19(3) of the RTI Act as extracted hereunder:

"19(3) A second appeal against the decision under sub-section(1) shall lie within ninety days from the date on which the decision should have been made or was actually received, with the Central Information Commission or the State Information Commission.

Provided that the Central Information Commission or the State Information Commission, as the case may be, may admit the appeal after the expiry of the period of ninety days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time."

As per the provisions of sub-section (3) of section 19 of the RTI Act as above, the 2nd appeal has to be filed before the 2nd Appellate Authority, the Information Commission within 90 (ninety) days from the date on which the 1st appellate authority should have made the decision or had actually made.

In the case on hand the appellant had submitted his appeal before the FAA (ADC) (on remand by this Commission) on 04.09.2024 and as per section 19(1), the 1st appellate authority was mandated to take decision on the 1st appeal within one month from the date of receipt of the appeal i.e by 03.10.2024. But since the FAA did not take any action, the appellant ought to have approached this Commission within 90 days from 03.10.2024 i.e before 03.01.2025. The appellant, however, filed his 2nd appeal on 17.09.2025 i.e 7(seven) months after expiry of prescribed period of 90 days and that too without showing any cause for the delayed filing which could have been considered by this Commission under the proviso to the sub-section-19(3) of the RTI Act. Thus, the 2nd appeal preferred by the appellant vide his Memo dt.09.09.2025 in terms of this Commission's order dt.05.08.2024 is hit by the limitation and resultantly, this Commission is constrained to reject the appeal which it, accordingly, does.

Given under my hand and seal of this Commission on this 29th Sept.,2025.

Sd/-
(S.Tsering Bappu)
State Information Commissioner,
APIC, Itanagar.

Memo No. APIC- 645/2023/ 659 **Dated Itanagar, the** 29 **Sept., 2025**

Copy to:

1. The D.C. Govt. of A.P, Changlang Distt. Changlang for information.
2. The ADC, Govt. of A.P, Miao Sub-Division, Miao, Changlang, the FAA for information.
3. The PIO o/o the Extra Assistance Commissioner, Miao Sub-Division, District Changlang, for information.
4. Shri Nayan Muni Chakma Buddhist Thai-Bharat Society, P.O Bodhgaya, Dist. Gaya, Bihar, PIN: 824231 Email:- **muninayan@gmail.com** for information.
5. The Computer Programmer/Computer Operator for uploading on the Website of APIC, please.
6. Shri Himanshu Verma, IT Consultant to intimate the Appellant and PIOs for online hearing and arrangement accordingly.
7. Office copy.

19/09/25

Registrar/ Deputy Registrar
APIC, Itanagar.

Deputy Registrar
Arunachal Pradesh Information Commission
Itanagar