



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

An appeal case U/S 19(3) of RTI Act, 2005
Vide Case No.APIC-149/2024

BEFORE THE HON'BLE COURT OF SHRI VIJAY TARAM, THE STATE INFORMATION
COMMISSIONER, UNDER SECTION 19(3) OF RTI ACT, 2005.

Shri Ratan Chetia

..... **Appellant.**

-VERSUS-

PIO-Cum- Shri Tabang Jamoh,
DFO, Namsai, Namsai District,
Govt. of Arunachal Pradesh.

..... **Respondent.**

Judgment/Order: 16.05.2024.

JUDGMENT/ORDER

The 1st hearing held on 16th May,2024 related to the APIC No-149/2023. The Appellant Shri Ratan Chetia and the representative of PIO Shri H.A. Opo, RFO were present during the hearing.

Heard both the parties.

The Appellant stated before the Commission that without issuing any notice and without giving him a fair chance of hearing along with the PIO, the First Appellate Authority (FAA) has passed an order stating that personal information cannot be disclosed as per the section 8 (j) of RTI Act, 2005.

After hearing both the parties and going through the available documents, it is observed that the appeal is premature, as the First Appellate Authority (FAA) did not conduct a proper hearing of both the parties before him, as per the established procedural law under RTI Act, 2005.

It is pertinent to mention here that, according to the RTI Act of 2005, it provides for three stages of seeking information. First:-, from the PIO, Second:- on the failure of the PIO to provide the information to the applicant or aggrieved by the decision of the PIO the, applicant will make an appeal to the First Appellate Authority, and the First Appellate Authority is mandated to conduct a proper hearing of both the parties to decide the case and thereby pass an order on the subject matter, thirdly:- the Appellant on being dissatisfied or aggrieved by the order of the First Appellate Authority, can appeal to the State Information Commission as per Section 19 (3) of the RTI Act, 2005.

In the instant case, the First Appellate Authority has to give a fair hearing to the Appellant along with the PIO in presence and it is evident while hearing of the appeal that the First Appellate Authority has not conducted a fair hearing to both the parties, which is a procedural lapse on the part of the First Appellate Authority as per the rules of RTI Act, 2005.

Under the above stated facts & circumstances, this appeal case is remanded back to the First Appellate Authority for giving an opportunity for a fair hearing to both the parties within 30 days from passing this order and after hearing both the parties, a speaking order may be passed as per merit of the case.

And hence, the appeal is disposed off by the Commission.

Sd/-
(Vijay Taram)
State Information Commissioner
APIC, Itanagar.

Memo.No.APIC-149/2024

Dated Itanagar, the 22 May, 2024.

Copy to:

1. PIO-Cum- Shri Tabang Jamoh, DFO, Namsai, Namsai District, Govt. of Arunachal Pradesh for information and necessary action please. **Pin Code- 792103.**
2. FAA-cum- the Chief Conservator of Forest, Eastern Zone, Head Quarter- Tezu, Lohit District, Govt. of A.P for information and necessary action please.
3. Shri Ratan Chetia, Sitpani Moran, PO/PS- Mahadevpur, Namsai District, Arunachal Pradesh for information please. **Contact No. 7063965456.**
4. The Computer Programmer, APIC for uploading on the Website of APIC please.
5. Office Copy.

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