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

Under Section 19(3) RTI Act, 2005

Appeal No. APIC-1016/2023

Shri Takheng Lamnio,
Gohpur, Near KV-II School, Itanagar **: Appellant**
PO/PS-RK Mission Itanagar, District Papum
Pare Itanagar, (A.P).

PIO Shri Abu Taba, EAC i/c DLR & SO
East Kameng District, Seppa (A.P). **: Respondent**

Date of filling of RTI application	01.08.2023
PIO's response	25.03.2023
Date of filing of First Appeal	11.09.2023
First Appellate Authority's response	-
Date of diarized receipt of Second Appeal by the Commission	27.10.2023
Date (s) of Hearing in the Commission	19.06.2024
Date of order/decision	19.06.2024

ORDER

The hearing of this appeal was held today on 19.06.2024 as scheduled wherein the appellant Shri Takhen Lamnio was present but neither the PIO nor its representative attended the hearing despite summon notice.

Facts of the case:

The brief facts as reveals from the record are that the appellants, Shri Takhen Lamnio, vide his application dt.01.08.2023 filed before the PIO, o/o the District Land Records and Settlement Officers, East Kameng District, Seppa requested for following information in respect of construction of ITBP "BOP" at Langchu / Wale:

1."Furnish the copy of user agency, ITBP vide its letter No. ITBP/54BN/ENGR.Br.39/2020/519-26 dated 27/05/2021 for requisition for land acquisition for construction of ITBP BOP at Langchu, it is mentioned order dated 25th January 2022.
2.Furnish the copy of a notification vide No.LMD-13011(12)/ 13/2021/1225, Itanagar 9th November 2021 for claims and objection for landowner as mention on 25th January 2022 landowner reflect in the name of Lamnio Welfare Society.
3. Furnish the copy of the office memorandum No. LM-134/2011(pt-III)/205 dated 2/06/2021.
4. Furnish the copy of 21st January 2022 conduct for meeting to payment of reasonable compensation to the landowners.
5.Furnish the copy of the report of the fied verification submitted by DLR & SO Seppa on dated 3rd June 2021."

The PIO o/o the DLR &SO, Seppa in response to the request of the Appellant had, vide letter dt.25.09.2023, furnished the reply to point No.1 and 2 but as against other points at Sl. numbers 3,4 and 5, the PIO replied that the information is not available.

The appellant, being dissatisfied with the reply of the PIO, filed 1st appeal dt.11.09.2023 before the First Appellate Authority (FAA), the Deputy Commissioner, East Kameng District under section 19(1) of the RTI Act, 2005. The appellant, having failed yet again to obtain the sought for information even on 1st appeal, preferred this second appeal before the Commission vide his memo of appeal dt.26.10.2023 under section 19(3) of the RTI Act on the ground of furnishing incomplete information by the PIO.

Hearing and decision:

The appellant, during the course of hearing, reiterated the contents of his RTI application and requested the Commission for passing an appropriate order. The Commission, however, observes that the First Appellate Authority did not take any action on the appeal as mandated under section 19(1) of the RTI Act, 2005.

As laid down in the guidelines issued by the Govt. of India and the State Govt., the adjudication on the appeal under the RTI Act is quasi-judicial function. It is, therefore, necessary that the Appellate Authority should see to it that the justice is not only done but it should also appear to have been done. In order to do that, the order passed by the Appellate Authority should be a speaking order giving justification for the decision arrived at.

The First Appellate Authority, following the principle of natural justice, should conduct hearing giving fair and equal opportunity to both the appellant and the PIO and thereafter pass a reasoned and speaking order on merit.

In the instant case, the First Appellate Authority, having not discharged its mandated duty under section 19(1) of the RTI Act, 2005. As such the Commission deems it appropriate to remand the appeal to the First Appellate Authority for adjudication at its level first.

The appeal is, accordingly, remanded to the First Appellate Authority for adjudication and passing an appropriate order who, being the officer senior in rank to the PIO and well versed with the knowledge of the functioning of the department, shall apply his mind and go into the aspects like what kind of information was sought by the appellant in his application, whether the same was and could be provided or whether the same is exempted under the relevant provisions of section 8 of the Act or whether the information relates to matters covered under section 11 of the RTI Act etc. and then pass a speaking order giving justification for his decision within 3 (three) weeks from the date of the receipt of the order.

This appeal is disposed of with the direction as above with liberty to the appellant to prefer second appeal, if dissatisfied or aggrieved by the decision of the First Appellate Authority for which no fees need be paid.

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

Memo.No.APIC- 1016/2023/ 104 Dated, Itanagar, the 24 June 2024.

Copy to:

1. The PIO EAC i/c DLR & SO East Kameng District. PIN:790102 Govt. of Arunachal Pradesh, for information & necessary action please.
2. Shri Takheng Lamnio Gohpu near KV2 School Itanagar. PO/PS-RK Mission Papum Pare District, (A.P) Pin-791113, PH-9402843687, Arunachal Pradesh, for information & necessary action please.
3. The Computer Programmer for uploading on the Website of APIC.
4. Office copy.

Registrar/Dy. Registrar

APIC, Itanagar.