



ARUNACHAL PRADESH INFORMATION COMMISSION, (APIC)
ITANAGAR.

An Appeal Case U/S 19(3) of RTI Act, 2005
Vide Case No. APIC- 850/2023.

Shri Mori Riba, the then DFO, Anini**APPELLANT.**
(Member of Board of Officers) c/o DFO, Mehao Wildlife
Sanctuary Division, Roing Lower Dibang Valley, A.P.

Vs

The PIO, o/o the Deputy Commissioner, **RESPONDENT.**
Dibang Valley District, Anini A.P

ORDER

This is an appeal under Section 19(3) of RTI Act, 2005 received from Shri Mori Riba for non-furnishing of information by the PIO, o/o the Deputy Commissioner, Dibang Valley District Anini A.P as sought for by him under section 6(1) (Form-A) of RTI Act, 2005 vide his application dt.17.04.2023.

This appeal is listed for hearing in this Commission today on 25.09.2024 wherein the PIO, o/o the Deputy Commissioner, Govt. of A.P, Dibang Valley District Anini, A.P was absent but the appellant, Shri Mori Riba, the then DFO, Anini attended the hearing in person.

Records disclose that the information as requested by the appellant remained unfurnished despite the appellant's appeal to the 1st Appellate Authority, the D.C, Dibang Valley District Anini, Arunachal Pradesh, vide his Memo of Appeal dt.10.07.2023. Hence this Second appeal before the Commission which was filed on 28.08.2023.

This Commission observe that there is no record of the First Appellate Authority's taking any action on the appeal.

The First Appellate Authority, being well versed with the functioning of the department, ought to have adjudicated the appeal and passed a suitable order in speaking form stating therein the reasons for his decision. In doing so, the FAA, as the quasi-judicial authority under the RTI Act, ought to have heard both the parties and passed a reasons order on merit.

In the instant case, the First Appellate Authority, having not adjudicated on the appeal as mandated under section 19(1) of the RTI Act, 2005, the Commission deems it appropriate to remand the appeal to the First Appellate Authority, the D.C, Dibang Valley District Anini, Arunachal Pradesh for adjudication. The First Appellate Authority, 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 and 9 of the RTI Act and pass a speaking order giving justification for his decision.

The appeal is, accordingly, remanded to the First Appellate Authority, the D.C, Dibang Valley District Anini, Arunachal Pradesh for adjudication and passing an appropriate order within 2(two) weeks but not later than 3(three) weeks from the date of receipt of this order with liberty to the appellant to prefer second appeal, if dissatisfied or aggrieved by the decision of the First Appellate Authority for which no cost need be paid.

Given under my hand and seal of this Commission on this 26th September, 2024.

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

Memo No. APIC- 850/2023/222

Dated Itanagar, the 26th September, 2024

Copy to:-

1. The Deputy Commissioner Dibang Valley District Anini, the F.A.A for information & compliance.
2. The PIO, o/o the Deputy Commissioner, Dibang Valley District Anini, A.P PIN: 792101 for information & necessary action.
3. Shri Mori Riba, the then DFO, Anini (Member of Board of Officers) c/o DFO, Mehao Wildlife Sanctuary Division, Roing Lower Dibang Valley, A.P PIN: 792110 (M/No. 9436044615) for information & necessary follow-up action.
4. The Computer Programmer/Computer Operator for uploading on the Website of APIC, please.
5. Office copy.
6. S/copy.

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