



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-61/2023 with
Appeal No. APIC-62/2023 and
Appeal No. APIC-63/2023

Shri, Tadu Tallang, Chimpu,
Itanagar Pin: 791113 P.O/P. S
Chimpu, AP.

..... Appellant

PIO O/o the PD/ DPDO, DRDA,
Pakke Kessang District, Limmi,
PIN: 790103(AP).

..... Respondent

These 3 (three) Appeals have been filed under Section 19(3) of the RTI Act 2005 by Shri Tadu Tallang, PO/PS- Chimpu, Papum Pare District, (A.P) before the Commission for non-furnishing of information(s) by the PIO-O/o the PD/DPO, DRDA, Pakke Kesang, District Pakke Kessang.

Date of filling of the 3(three) RTI applications	22.11.2023
PIO's response	-
Date of filing of First Appeal	22.12.2023
First Appellate Authority's response	-
Date of diarized receipt of Second Appeal by the Commission	23.01.2024
Date (s) of Hearing in the Commission	19.06.2024
Date of order/decision	19.06.2024

ORDER

Facts of the case:

The brief facts as reveal from the record are that the Appellant, Shri Tadu Tallang had filed 3 (three) separate RTI application before the PIO, o/o the PD/DPO, DRDA, which have been numbered as APIC-61/2023, APIC-62/2023 and APIC-62/2023 requesting for information:

- a) APIC-61/2023 : regarding fund for administrative expenses under MG NAREGA – 2021-2023
- b) APIC-62/2023 : regarding District Panchayat Resource Building and
- c) APICP-63/2023 : regarding 5% of fund for administrative expense (SOR).

The records as emerged from the appeals disclose that the Appellant, having failed to obtain the information even on 1st appeal, preferred this second appeal before the Commission vide his aforesaid memo of appeals under section 19(3) of the RTI Act.

Hearing & decision:

Since the information sought for by the appellant in his three applications are from the same PIO, the three appeals are clubbed together and being heard today on 19.06.2024 as scheduled wherein the ADC, Pakke Kesang District –cum-PIO, o/o the PD/DPO, DRDA attended the hearing online but the appellant was absent.

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, the Commission deems it appropriate to remand the appeal to the First Appellate Authority for adjudication at its level first.

The 3(three) appeals in question are, accordingly, remanded to the First Appellate Authority for adjudication and passing an appropriate order. In doing so, 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 of the Act or whether the information relates to matters covered section 11 of the RTI Act etc. and then pass a speaking order giving justification for his decision within 4 (four) weeks from the date of receipt of this order. Further, the appellant is granted liberty to prefer second appeal, if dissatisfied or aggrieved by the decision of the First Appellate Authority for which no cost need be paid.

Sd/-

(S.Tsering Bappu)

State Information Commissioner,
APIC, Itanagar.

Memo.No. APIC- 61.62,63/2023/123
Copy to:

Dated, Itanagar, the 26 2024

1. The DC Pakke Kessang District Lemmi-cum-First Appellate Authority P/o Lemmi, PIN:790103
2. The PIO O/o the PD/ DPDO(DRDA) Pakke Kessang District Lemmi, Govt. of Arunachal Pradesh, for information & necessary action please. (PIN:790103).
3. Shri Tadu Tallang PO/PS-Chimpu Papum Pare District, (A.P)., Pin-791113 Arunachal Pradesh for information & necessary action please. (PH-9402773431)
4. The Computer Programmer for uploading on the Website of APIC, please.
5. Office copy.

Registrar/Dy. Registrar,
APIC, Itanagar
Deputy Registrar

Arunachal Pradesh Information Commission
Itanagar