सूचना का अधिकार
RIGHT TO INFORMATION

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

An Appeal Case U/S 19(3) of RTI Act, 2005
Vide Case No.APIC-1163/2023

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

Shri Pado Jamoh
Nirjuli, Vill:- I , District:- P/Pare, ... **Appellant**
Arunachal Pradesh.

-VERSUS-

PIO Cum-EE, IMC(part-1), Chimpu,
Itanagar, Arunachal Pradesh. ..... **Respondent.**
Pradesh.

Judgment/Order: 26/06/2024

JUDGMENT/ORDER

This is an appeal filed under sub-section (3) of section 19 of RTI Act , 2005. Brief fact of the case is that the appellant **Shri Podo Jamoh** on **07/11/2023** filed an RTI application under Form- 'A' before the **PIO- Cum- EE, IMC(Part-I), Chimpu, Itanagar, District:- P/Pare,** Govt. Of Arunachal Pradesh whereby seeking various information, as quoted in Form- 'A' application.

Accordingly matter come up for hearing before the Commission i.e., on **26th day of June, 2024** related to the **APIC NO-1163/2023 (Appeal)**. Appellant **Shri Podo Jamoh** absent and **PIO- Cum- EE, IMC(Part-I), Chimpu, Itanagar, District:- P/Pare** represented by **Ramen Ch Patowary.**

The appeal file by **Shri Podo Jamoh, APIC NO-1163/2023** is remand back to the First Appellate Authority on the following ground.

No any order of hearing regarding the rejection of hearing of the appeal in the First Appellate Authority has been enclosed in the case record. It seems that no any hearing was done in the First Appellate Authority.

Under section 19 (1) of the Act, the First Appellate Authority (FAA), the Intermediate level, has to adjudicate on the Appeal, if any, filed by information seeker against the decision of the PIO.

As laid down at para-38 of the Guidelines for the FAA issued by the GOI and the state govt., adjudicate on the appeals 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 is should also appear to have been done. In order to do so, the order passed by the appellate authority should be a speaking order giving justification for the decision arrived at.

The First Appellate Authority (FAA), following the principle of natural justice, should conduct hearing giving fair and equal opportunity to the both the appellant and the PIO and thereafter must pass reasoned and speaking order on merits within 30 days from the date

26/06/2024
State Information Commissioner
Arunachal Pradesh

of receipt of the appeal or else the action of the FAA would be considered as procedural lapse on the FAA.

Further, it is noticed that the Appellant in most case do not wait for the order of the First Appellate Authority (FAA) and directly prefer appeals before the 2nd Appellate Authority without attaching a copy of order pass by the First Appellate Authority (FAA) unintelligently. Here, it is germane to note that for availing 2nd appeal before the 2nd Appellate Authority, the Appellant has been given 90 days' time from the date of order passed by the First Appellate Authority (FAA). The 2nd appeal, if he/she is dissatisfied with decision of the First Appellate Authority (FAA), must be accompanied by the orders passed by the First Appellate Authority (FAA).

The appeal is, accordingly remand back 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 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 by 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 receipt of this order.

Therefore perusing the case record, the Commission deemed fit to remand back the appeal case APIC NO.1163/2023 to First Appellate Authority for proper hearing. The case is disposed off, with liberty to appellant to prefer second appeal if dissatisfied or aggrieved by the decision of the First Appellate Authority for which no fees need bep paid

(Khopey Thaley)
State Information Commissioner
APIC, Itanagar

Memo. No. APIC-1163/2023 /141 **Dated Itanagar, the.....1 June 2024.**

Copy:

1. **FAA Cum- Commissionr Itanagar Municipal Corporation Chimpu , Itanagar, Pin Code- 791113, Arunachal Pradesh for information.**
2. Shri, Podo Jamo, Nirjuli village-I, P0/ ps:- Nirjuli, Distt:- P/Pare, Pin Code-791113, Arunachal Pradesh for information. **Contact No.8259809403**
3. The Computer Programmer/Computer Operator for uploading on the Website of APIC and mail please.
4. Office copy.

26/06/2024

(Khopey Thaley)
State Information Commissioner
APIC, Itanagar

State Information Commissioner
Arunachal Pradesh Information Commission
Itanagar