



ARUNACHAL PRADESH INFORMATION COMMISSION (APIC)
ITANAGAR

.....
(Before the Hon'ble Information Commissioner Mr. Dani Gamboo)

AN APPEAL UNDER SECTION 19 (3) OF RTI ACT, 2005.

APIC-No.437/2023(Appeal)

Shri Tania June
E-Sector Naharlagun
PO: Naharlagun P/Pare
District A.P Pin: 791110.
(M) 8131848230.

Appellant

Versus

1. PIO cum DLRSO
Basar Leparada
District Govt. of A.P.
Pin: 791101.

Respondents

2. The FAA cum DC, Basar
Leparada District A.P.
Pin: 791101

Date 29.08.2024

ORDER

This is an appeal filed under sub-section (3) of the Section 19 of the RTI Act 2005. Brief fact of the case is that the appellant Shri Tania June on 10.02.2023 filed an RTI application in Form-A to the PIO cum DLRSO Basar Leparada District Govt. of A.P., whereby, seeking various information as quoted in Form-A application.

Appellant being not received information from the PIO, filed the First Appeal before the First Appellate Authority cum DC Basar, Leparada District on 22.03.2023 (copy enclosed).

Appellant again having not received the required information and decision from FAA, filed the Second Appeal before the Arunachal Pradesh information Commission on 15.15.2023.

The Registry of the Commission (APIC), on receipt of the appeal, registered it as APIC-No.437/2022 (Appeal) and processed the same for its hearing and disposal.

Accordingly, this matter came up for hearing before the Commission Court today on 29.08.2024. Notice of hearing dated 05.08.2024 were served to FAA, PIO and the Appellant.

FAA, PIO & Appellant did not appear.

On perusal of this appeal case file, it is observed that the FAA cum Deputy Commissioner, Basar, Leparada District has not heard PIO and the appellant to dispose of the first appeal filed to him on 22.03.2023.

This inaction of the FAA is negligence to implementation of provisions of RTI Act 2005 which was enacted to promote transparency and accountability in the working of every public authority and also to contain corruption and to hold governments and their instrumentalities accountable to the governed.

On the basis of Arunachal Pradesh Right to Information (Appeal Procedure) Rule 2005 and ... *as laid down at para-38 of the Guidelines for the FAA issued by the GoI and the State Govt. OM No. AR-111/2008 Dated 21st August, 2008,.. adjudication on the appeals under RTI Act is a 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 so, the order passed by the appellate authority should be a speaking order giving justification for the decision arrived at.*

The commission observes that under section 19(1) of the RTI Act, 2005, for the principle of natural justice, it is mandatory for the FAA to summon the appellant and PIO, give fair opportunity of being heard and pass speaking order on merit. Since, it is not done, the case is pre-mature to be considered as an appeal under section 19(3) of the RTI Act, 2005.

Therefore, the First Appellate Authority (FAA) DC Basar, Leparada District AP, following the principle of natural justice, shall conduct hearing giving fair and equal opportunity to both the appellant and the PIO, if the said First Appeal is received in his office, and thereafter pass reasoned and speaking order on merit within two weeks from the date of receipt of this order. Hence, this appeal is remanded to the First Appellate Authority (FAA), DC Basar, Leparada District.

In view of the above facts and circumstances I find this appeal is fit to be disposed of and closed at commission with giving liberty to the appellant to file appeal afresh if aggrieved by the decision of the FAA. And, accordingly, this appeal stands disposed of and closed once for all.

Judgement / Order pronounced in the Open Court of this Commission today this 29th day of August' 2024. Each copy of the Judgement / Order be furnished to the parties.

Given under my hand and seal of this Commission / Court on this 29th day of August' 2024.

Sd/-
(Dani Gamboo)
Commissioner

Memo No.APIC-437/2023/ 277 Dated Itanagar the 29th August' 2024.

Copy to:

1. The FAA cum DC Leparada District A.P. Pin: 791101
2. The PIO cum DLRSO Basar Leparada District Govt. of A.P. Pin: 791101.
3. Shri Tania June E-Sector Naharlagun PO: Naharlagun P/Pare District A.P (M) 8131848230. Pin: 791110.
4. Computer Programmer Itanagar APIC to upload in APIC website and mailed to concerned department email.
5. Office copy.

Registrar / Dy.Registrar
APIC Itanagar

Deputy Registrar
Arunachal Pradesh Information Commission
Itanagar.