



ARUNACHAL PRADESH INFORMATION COMMISSION

ITANAGAR.

An Appeal Case U/S 19(3) of RTI Act, 2005

Case No. APIC-439 /2024.

APPELLANT : Shri Nibo Pao, Shri Tawa Yomdo, Shri Japa Tali, Shri Jiten Lora & Ors.

RESPONDENT : The PIO, o/o the (DFO), Likabali Forest Division, Lower Siang District (A.P)

ORDER

This is an appeal under Section 19(3) of RTI Act, 2005 received from Shri Nibo Pao, Shri Tawa Yomdo, Shri Japa Tali, Shri Jiten Lora & others for non-furnishing of below mentioned information by the PIO, o/o the (DFO), Likabali Forest Division, Lower Siang District (A.P) as sought for by them under section 6(1) (Form-A) of RTI Act, 2005 vide their application dated 19-08-2024.

- a) **Particular of information:** Seeking information regarding implementation of AP State CAMPA funds for DFO, Likabali Forest Division, Lower Siang District (A.P) from 2014 to 2024 and all kinds reserved forests notifications in Likabali Forest Division.
- b) **Details of information required:**
1. Project wise chart showing the enumeration of trees, species and girth wise volume in respect of diversion of forest lands;
 2. Project wise statement showing number of trees volume and valuation of trees in respect of diversion of forest lands;
 3. Project wise detail estimates for departmental timber operation against extraction of trees in respect of diversion of forest lands;
 4. Project wise abstract of royalty and departmental timber operation;
 5. Project wise detail estimates for creation of compensatory afforestation for diversion of forest lands with maps;
 6. Project wise site certificates from the competent authority regarding suitability area identified for compensatory afforestation;
 7. Project wise site inspection reports;
 8. Year wise amount receipts under AP State CAMPA from the office of PCCF, department of Environment, Forest and climate change, Itanagar, Govt. of AP;
 9. Year wise payment made with cheque counterfoils, money receipts and bank statements of DDO/DFO Likabali Forest Division, and
 10. All types of Reserved Forests notifications in Likabali forest division with minute of meeting and agreement copies, if any.
- c) **Period for which information is required: 2014 to 2024**

Records in the appeal reveal that the appellants herein, vide their application dt.19.08.24, had sought for the abovementioned information/documents from the respondent, PIO. But having failed to obtain the information, they filed their 1st appeal under section 19(1) of the RTI Act, 2005 before the CCF, Central Circle, Pasighat, the First Appellate Authority (FAA) vide their Memo of Appeal dt.16.10.2024. The records also disclose that the appellants filed their 2nd appeal before this Commission under section 19(3) of the RTI Act vide Memo of Appeal dt.13.11.2024 on the ground that the PIO had refused to entertain the RTI Form-A application and the CCF-FAA has denied to entertain First Appeal by issuing letter dt. 30.10.2024.

The appeal was, hence, listed for hearing today on 21.03.2024 wherein one of the appellants, Shri Nibo Pao along with two others whose names are not mentioned in the RTI application, is present. The PIO is represented by Advocate Shri Lizar Bui through Vakalatnama.

The records in the appeal also disclose, the following facts:

- a) the FAA, vide letter dt.30.10.2024, returned the 4(four) number of appeals of even dt.16.10.2024 to the appellant on the ground that certain documents, including copies of self attested Application in Form-A, Treasury Challan etc. were not found enclosed in the Appeal Memo and advised the appellants to re-submit the appeal with the requisite documents within 10 days of the issue of the letter. As advised, the appellants, had vide letter dt. 20.11.2024, re-submitted the attested copies of the requisite documents to the FAA, which, as per the Speed Post tracking record available in appeal, was delivered to the o/o the FAA on 25.10.2024.
- b) the FAA had fixed the hearing of the appeal on 12.12.2024 which was re-fixed on 16.12.2024 due to pre-occupation of the DFO/PIO in an important work of identification of CA area. The hearing date postponed to 16.12.24 was yet again re-fixed on 18.12.24 due to the Project Screening Committee Meeting on 14.12.24.
- c) as per the Minutes / hearing notice dt.20.12.24, hearing was conducted by the FAA on 18.12.24, but the appellant did not appear and hence, the hearing was yet again adjourned to 16.01.2024 in order to afford an opportunity of hearing to the appellant. There is, however, no record available in the appeal as to the conduct of the hearing on 16.12.24 but as per the copy of minutes dt. 29.01.24, which was produced by the Counsel for the PIO during the hearing, the FAA had conducted the hearing on 27.01.24 by which the appeal filed by the appellant was dismissed on the ground that *the appellants were no more interested in obtaining the sought for information from the DFO/PIO, Likabali vide their RTI application dt.19.08.2024.*

During the hearing the PIO's Counsel, Shri Lizar Bui, contending that the that the appellant's appeal dt.16.10.2024 under section 19(1) of the RTIA was rightly dismissed by the FAA due to the repeated absence of the appellants in the hearings, pleaded the Commission for dismissal and closure of the appeal. The appellant, Shri Nibo Pao on the other hand contested the submission of the Counsel and submitted that the statement of the Ld. Counsel can not be accepted as fully true because the hearing of the appeal was postponed for 2-3 times by the FAA itself.

This Commission, upon hearing the parties and on perusal of the records as discussed in the preceding paragraphs, is inclined to hold that the dismissal of the appeal by the FAA merely on the ground of absence of the appellants in the hearing can not be accepted as just and fair since some of the hearing dates were re-fixed /postponed by the FAA at his instance also. The aforesaid order dt.29.01.2025 passed by the FAA dismissing the appeal, therefore, can not be treated as an order passed on merit.

In the premises above, this appeal is remanded to the FAA, the CCF, Central Circle, Pasighat with direction to adjudicate on the appeal and pass an appropriate order thereof on merit. In doing so, the FAA should apply his mind and go into the aspects like what kind of information was sought by the appellants in their application, whether the same was and could be provided or whether the same was exempted under the relevant provisions of section 8 of the Act or whether the information pertains to matters covered under section 11 of the RTI Act etc.

The FAA is directed to comply with the above direction within 4(four) weeks from the date of receipt of this order. The appellants are also directed to appear in the hearing failing which the FAA shall have the liberty to dismiss the appeal as being no longer interested in the sought for information.

Given under my hand and seal of this Commission on this 21st March, 2025.

Sd/-

(S. TSERING BAPPU)

State Information Commissioner,

APIC, Itanagar.

Memo No. APIC- 439/2024 /645 Dated Itanagar, the 24 March, 2025

Copy to:

1. The Chief Conservator of Forest, Central Circle, Pasighat (A.P), the First Appellate Authority (FAA) for information and compliance.
2. The PIO, o/o the (DFO), Likabali Forest Division, Lower Siang District, (A.P) PIN: 791125 for information.
3. Shri Nibo Pao, Polo Colony Naharlagun, PO/PS Naharlagun, Papum Pare District (A.P) PIN: 791110 Mobile No. 76308055314 for information.
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