ITANAGAR, ARUNACHAL PRADESH

An appeal case U/S 19(3) of RTI Act, 2005

Vide Case No.APIC-394/2024

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

Shri Nibo Pao & Others ..... **Appellant**

-VERSUS-

PIO-Cum-Divisional Forest Officer,
Khonsa, Tirap District,
Govt. of Arunachal Pradesh ..... **Respondent**.

Order:**11.03.2025**.

JUDGEMENT

This is an appeal filed under sub-section (3) of Section 19 of the RTI 2005. Brief fact of the case is that the Appellants Shri Nibo Pao and others on **19/08/2024** filed an RTI application in Form- 'A' before the PIO-cum-DFO, Khonsa Forest Division, Tirap District, Govt. of Arunachal |Pradesh. Whereby seeking various information as quoted in Form 'A' application. The Appellants being not receiving the information from the PIO filed the First Appeal before the First Appellate Authority (FAA) on **17/10/2024**. The FAA having dismissed the Appeal of the Appellants due to non appearance of the Appellants during the hearing consecutively two times on 08th January 2025, filed the second Appeal before the Arunachal Pradesh Information Commission on **12/12/2024** and the Registry of the Commission (APIC) having receipt of the complaint registered it as **APIC- No- 394/2024 (Appeal)** and processed the same for its hearing and disposal.

Accordingly, matter came up for hearing before the Commission on **11.03.2025.** In this first hearing the Appellants present in person and the PIO present through online mode before the Commission.

Heard the PIO;

The PIO stated before the Commission that the First Appellate Authority (FAA) has dismissed this instant case due to continuous absence of the Appellants on the date of hearings on 21.11.2024 and 06.01.2025, and sent the order to the Appellants, the Appellant Shri Nibo Pao acknowledged the receipt of the order of the FAA, before the Commission.

Judgment:

1. Introduction:

This judgment addresses the appeal filed by the Appellants, Shri Nibo Pao, Arun Dodum and Japo Tali, against the order of the First Appellate Authority (FAA) dated 08.01.2025, who dismissed the final appeal under the provisions of the Right to Information Act, 2005 (RTI Act). The appeal was dismissed due to the repeated absence of the Appellants in the hearings.

2. Background:

The Appellants submitted a request for information under the RTI, Act to Shri Poosam Tangha (DFO) on 19.08.2024. This request was subsequently denied by the Divisional Forest Officer (DFO) citing that the information(s) sought are not specific and rather voluminous involving a period of 10 (Ten) years from 2014 to 2024. The Appellants filed an appeal with the First Appellate Authority (FAA), seeking a review of the decision.

3. Hearings:

The First Appellate Authority (FAA) conducted multiple hearings on the appeal scheduled on 21.11.2024 & 06.01.2025. Records indicate that the Appellants were absent on each occasion without providing prior notice or valid reasons for the absence.

4. Relevant Provisions:

The RTI Act mandates the timely and responsive provision of information; it also empowers authorities to dismiss appeals in case of non-compliance with procedural requirements, including attendance during hearings.

5. FAA's Findings:

The First Appellate Authority (FAA), after considering the repeated absence of the Appellants, concluded that continuing the appeal process was unfeasible. The FAA observed that the Appellant had a responsibility to participate in the process actively and could not expect the proceedings to advance in their absence.

6. Legal Considerations:

The dismissal of the appeal by the FAA is in accordance with Section 19(1) of the RTI Act, which provide the FAA with the authority to dismiss an appeal if the Appellant is not present during the hearings. The principle of audi alteram partem (hearing the other side) upholds that parties must engage meaningfully in legal proceedings to ensure justice.

7. Conclusion:

After thorough consideration of the facts, the law, and the consistent absence of the Appellant in multiple hearings, I hereby ORDER:

a) The appeal filed by Shri Arun Dodum, Nibo Pao and Japo Tali is DISMISSED.
b) The order of the First Appellate Authority dated 08.01.2025 is UPHELD.

c) The Appellants are advised to be present in any future proceedings or appeals to ensure their rights are appropriately represented and considered.

8. Final Order:

This order shall be communicated to the Appellants and the relevant parties immediately.

Order;

In view of the above facts and circumstance the Commission dismiss this Appeal. And, accordingly, this Appeal stands dismissed and closed once for all.

Judgment/Order pronounced in the open Court of this Commission today on this 11th day of March' 2025. Copy of this Judgment/Order be furnished to the parties.

Given under my hand and seal of this Commission/Court on this 11th day of March' 2025.

Sd/-

(Vijay Taram)

State Information Commissioner
APIC-Itanagar

Memo.No.APIC-394/2024/654 **Dated Itanagar, the 17....March, 2025.**

Copy to:

1. PIO-Cum-DFO, Khonsa Forest Div. Tirap District, Govt of Arunachal Pradesh for information and necessary action please. **Pin Code-792129.**
2. Shri Shri Nibo Pao, Shri Tawa Tomdo, Polo Colony, PO/PS-Naharlagun, P/Pare District Arunachal Pradesh for information please. **Contact No. 6909933073/9383183531**
3. The Computer Programmer, APIC for uploading on the Website of APIC please.
4. Office Copy

Registrar/Dy. Registrar
APIC, Itanagar.

Registrar
Arunachal Pradesh Information Commission
Itanagar.