



ARUNACHAL PRADESH INFORMATION COMMISSION, (APIC)

TANAGAR.

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

Vide Case No. APIC- 1190/2023.

(Or.5, R.3 of CPC)

Shri Riya Taram, RTI SECY. (ALSU) cum RTI : APPELLANT
Activist. Riang Restaurant Jullang near Catholic Church,
Dath Village.

Vs

The PIO, o/o P.D, DRDA, Kurung Kumey : RESPONDENT
District, Koloriang (A.P)

ORDER

This is an appeal under Section 19(3) of RTI Act, 2005 received from Shri Riya Taram for non-furnishing of information by the PIO, o/o the P.D, DRDA, Kurung Kumey District, Koloriang (A.P) as sought for by him under section 6(1) (Form-A) of RTI Act, 2005 vide his application dated 06.10.2023.

This appeal is heard today on 06/11/24 wherein Shri Lokam Namdu the representative of Appellant is present but the PIO, o/o the P.D, DRDA, Kurung Kumey District, Koloriang (A.P) is absent.

Records reveal that the Appellant did not receive the information sought by him from the PIO in view of which he approached the F.A.A, the Deputy Commissioner, Kurung Kumey District, Koloriang, Govt. of A.P, vide his appeal dated 15/11/23.

Having failed yet again to obtain the information the Appellant preferred this second appeal before this Commission vide Memo of Appeal dated 19/12/23.

Records further disclose that the F.A.A has not adjudicated on this appeal as mandated under Section 19(1) of RTI Act,2005.

The First Appellate Authority, following the principle of natural justice, ought to have conducted hearing giving fair and equal opportunity to the Appellant and the PIO and thereafter passed a reasoned and speaking order on merit.

It is to be noted that the F.A.A, while adjudication on the appeal must apply his mind into the aspects like the kind of information sought by the Appellant, whether the information sought for could be disclosed or whether the same is exempted under relevant provisions of law and then, exercise his power and functions as mandated by the provisions of Section 19(1) of the RTI Act, 2005.

In the premises as above this Commission finds the case at hand fit to be remanded to the FAA, Deputy Commissioner, Kurung Kumey District, Koloriang Govt. of A.P for adjudication who shall apply his mind and go into aspects like what kind of information was sought by the Appellant, whether the information(s) could be provided or whether the same is hit by the provisions of Section – 8 & 9 of the RTI Act, 2005, whether the information requested is disproportionate/indiscrimination etc and then pass an appropriate speaking order giving justification for his decision.

This appeal is, accordingly, remanded to the F.A.A, the Deputy Commissioner, Kurung Kumey District, Koloriang for adjudication within 4(four) weeks from the date of receipt of this order and the PIO shall comply with the order of the F.A.A within 2(two) weeks from the date of F.A.A's order with liberty to the Appellant to prefer second appeal before this Commission under section 19 (3) of the RTI Act, if he is aggrieved/ dissatisfied with the order passed by the F.A.A, or with the information furnished by the PIO for which no fee need be paid.

Sd/-

(SANGYAL TSERING BAPPU)
State Information Commissioner,
APIC, Itanagar.

Memo No. APIC-1190/2023/ 295
Copy to:-

Dated Itanagar, the 7 Nov, 2024

1. The Deputy Commissioner, Kurung Kumey District, Govt. of A.P, Koloriang -Cum- First Appellate Authority for information and compliance.
2. The PIO, o/o the P.D, DRDA, Koloriang, Kurung Kumey District, for information & necessary action please.
3. Shri Riya Taram, RTI SECY. (ALSU) cum RTI Activist. Riang Restaurant Jullang near Catholic Church, Dath Village PIN: 791110 Mobile no. 9383103387/9402443699 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

Arunachal Pradesh Information Commission
Itanagar