

ARUNACHAL PRADESH INFORMATION COMMISSION, (APIC)

TANAGAR.

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

Case No. APIC- 338/2024.

Shri Nibo Pao, Shri Tawa Yomdo, Shri Japa Tali, Shri
Jiten Lora, and Ors., Polo Colony, Naharlagun PO/PS
Nlg., Papum Pare District (A.P)

: APPELLANT

Vs

The PIO, o/o the Divisional Forest Officer (DFO), Hapoli
Forest Division, Ziro/Hapoli, L/Subansiri District (A.P)

:RESPONDENT

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, Advocate Tai Shiva and ors. for non-furnishing of below mentioned information by the PIO, o/o the Divisional Forest Officer (DFO), Hapoli Forest Division, Ziro/Hapoli, L/Subansiri District (A.P) as sought for by them under section 6(1) of the RTI Act, 2005 vide their application dated 19.08.2024:

- a) Particular of information:** Implementation of AP State CAMPA fund for DFO Ziro/Hapoli Forest Division, L/Subansiri District from 2014 to 2024.
- b) Details of information required:**
- Projects wise Chart showing the enumeration of trees, species, and girth wise volume in respect of diversion of forest lands;
 - Projects wise statements showing number of trees volume and valuation of trees in respect of diversion of forest lands;
 - Projects wise detail estimates for departmental timber operation against extraction of trees in respect of diversion of forest lands;
 - Projects wise abstract of Royalty and Departmental timber operation;
 - Projects wise detail estimates for creation of compensatory afforestation for diversion of forest lands with maps;
 - Projects wise certificates from the competent authority regarding suitability area identified for compensatory afforestation;
 - Projects wise site inspection reports;
 - Year wise amount receipts under AP State CAMPA from the office of PCCF, department of Environment, Forest and Climate Change, Itanagar, Govt of AP;
 - Year wise payment made with cheque counterfoils, money receipts and bank statements of DDO/DFO Hapoli/Ziro Forest Division and
 - All types of Reserved Forests Notifications in Hapoli/Ziro Forest Division with minute of meeting and agreement copies, if any.
- c) Period for which information is required: 2014 to 2024.**

The records available reveal that in response to the appellants' application, the PIO o/o the DFO Hapoli Forest Division, vide his letter dt. 05.09.2024, citing the Advisory dt.08.05.2024 issued by this Commission on seeking and disclosure of information under the RTI Act, intimated the Appellants that they have sought information for multiple year and advised the appellants to apply afresh for a specific scheme and specific financial year.

Being aggrieved with the response of the PIO as above, the appellants approached the First Appellate Authority (FAA), the CCF, Western Circle, Banderdewa, by filing appeal Memo dt.16.10.2024.

Records further disclose that the FAA heard the appeal on 12.11.2024, wherein the appellants and the representative of the PIO were present, and passed the following direction vide order dt.14.11.2024:

“ In the presence of both the parties on the date of hearing, the 1st Appellate Authority has examined the case and disposed off the case as under:-

- a) *The information sought by the appellant is not covered under section 8(1) (d) of the RTI Act, 2005 and are admissible to be disclosed before the public domain;*
- b) *The information sought is found to be voluminous & spread over several years. After detailed discussion, the appellant decided to seek information under CAMPA schemes only for the year 2023-24 executed under the Division;*
- c) *Therefore, the PIO-cum-DFO, Hapoli/Ziro Forest Division is directed to furnish the required documents available with him as decided above to the applicant within 15 days from the date of issue of this order;*
- d) *The applicant is at liberty to prefer any appeal before the next higher Appellate Authority, if the PIO does not furnish the information within the stipulated time or if the applicant is not satisfied with the information furnished by the PIO.*

*Sd/-(T.Riba) IFS
Chief Conservator of Forest
Western Circle Banderdewa,
(1st Appellate Authority)*

No. WAC/RTI/2024/223-24

Dated B/Dewa, the 14th Nov. ' 2024. ”

The PIO, however, failed to provide the sought for information to the appellants despite the direction of the FAA. Hence, they filed their 2nd appeal before this Commission under section 19(3) of the RTI Act vide their Memo of Appeal dt.19.11.2024 on the ground that the PIO had refused to furnish the information and the CCF-cum-FAA has passed wrong & incomplete order dt.13.11.2024.

The appeal has, accordingly, been registered in this Commission as APIC-329/2024 and listed for hearing on 17.01.2025 wherein Shri Nada Rika, the APIO o/o the DFO, Hapoli/Ziro and the Appellants, Shri Nibo Pao, Shri Tawa Yomdo, Advocate Tai Shiva and Ors. were present.

Heard the parties.

The APIO, Shri Nada Rika, relying on the order 14.11.2024 passed by the FAA in the hearing conducted by the FAA on 12.11.2024, submitted that the PIO, o/o the DFO, Hapoli/Ziro is ready to furnish the information on the CAMPA scheme for the year 2023-24 as also agreed to by the appellants during the hearing. The appellants, led by Advocate Tai Shiva, on the other hand contested and refuted the submission of the APIO and submitted that the FAA had wrongly passed the order based on this Commission's Advisory dt. 08.05.24 on seeking and disclosure of information which had since been reviewed by this Commission on 19.11.2024 due to protest by the RTI Activists.

The appellants has, thus, pleaded for direction to the PIO to furnish the information not just for 2023-24 but for the entire period as sought for by them in their application. They, however, submitted that except for Sl. No.(ix) *i.e Year wise payment made with cheque counterfoils, money receipts and bank statements of DDO/DFO*, they are not pressing for information on other 9(nine) points.

This Commission perused the order dt.14.11.2024 passed by the FAA vis-à-vis the list of points on which the appellants had sought the information and is inclined to hold that the order passed by the FAA is a reasoned one in so far as the nature of information and its volume are concerned. However, considering the fact that the appellants have agreed to forego the information on 9(nine) other points out of 10(ten), in the considered opinion of this Commission, it will be just and fair on the part of the PIO to furnish the information on Sl. No.(ix) of the application pertaining to year-wise payment made with cheque counterfoils, money receipts and bank statements of DDO/DFO under CAMPA scheme for the period 2018-19 to 2023-24 as demanded by the appellants. It is, however, made clear that whatever documents/information are not available for any particular year/years, the PIO shall declare so with specific reasons thereof.

The PIO is, accordingly, directed to comply with the above direction within one month from the date of receipt of this order whereafter, the Appellants shall intimate their satisfaction or otherwise within one week to this Commission.


Given under my hand and seal of this Commission on 20th January, 2025.

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

Memo No. APIC-338/2024/406 Dated Itanagar, the 21 January, 2025

Copy to:-

1. The First Appellate Authority (FAA), the Chief Conservator of Forest (CCF), Western Circle, Banderdewa, for information and ensuring the compliance of the order by the PIO.
2. The PIO o/o the Divisional Forest Officer (DFO), Hapoli / Ziro Forest Division, Ziro, L/District (A.P) PIN: 790102 for compliance.
3. Shri Nibo Pao, Shri Tawa Yomdo, Shri Japa Tali, Shri Jiten Lora, Advocate Tai Shiva and Ors., Polo Colony, Naharlagun, PO/PS Nlg., Papum Pare District (A.P) PIN: 791110 Mobile No. 6900033073/9383183531/7630855314/762803084 for information.
4. The Computer Programmer/Computer Operator for uploading on the Website of APIC, please.
5. Office copy.
6. S/Copy.


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