



ARUNACHAL PRADESH INFORMATION COMMISSION ITANAGAR

**BEFORE THE HON'BLE COURT OF SHRI SANGYAL TSERING BAPPU, STATE
INFORMATION COMMISSIONER**

Under Section 19(3) RTI Act, 2005
Appeal No. APIC-1013/2023

**Shri Nibu Veo, Bebo Colony,
PO/PS-Seppa, East Kameng
District, (A.P).
PIO-EAC, O/o the Deputy Commissioner,
East Kameng District, Seppa
(A.P).**

: Appellant

: Respondent

This is an appeal under Section 19 (3) of RTI Act, 2005 received from Shri Nibu Veo, Bebo colony Seppa PO/PS- Seppa East Kameng District, Arunachal Pradesh for non-furnishing of information(s) by the PIO- EAC, O/o the Deputy Commissioner Seppa East Kameng District, (A.P). Pin: 790102 as sought for by the Appellant under Section 6 (1) (Form-A) of RTI Act, 2005.

Date of filling of RTI application	02.08.2023
PIO's response	-
Date of filing of First Appeal	11.09.2023
First Appellate Authority's response	27.09.2023
Date of diarized receipt of Second Appeal by the Commission	27.10.2023
Date (s) of Hearing in the Commission	19.06.2024
Date of order/decision	19.06.2024

ORDER

The hearing of this appeal was held today on 19.06.2024 wherein the appellant Shri Nibu Veo was present but neither the PIO nor its representative attended the hearing.

Facts of the case:

The brief facts merging from the appeal at hand are that the appellants, Shri Nibu Veo, vide his application dt.02.08.2023 filed before the PIO, o/o the Deputy Commissioner, East Kameng District, Seppa requested for information on the **"Details received records Copy of Deputy Commissioner office Seppa"**

The appellant could not get the information as sought for from the PIO O/o the Deputy Commissioner, East Kameng District, Seppa and hence filed appeal before the 1st Appellate Authority, the Deputy Commissioner, East Kameng District, Seppa vide his Memo of Appeal dt.11.09.2023 under section 19(1) of the RTI Act, 2005.

The records available disclose that there was some attempt on the part of the First Appellate Authority to adjudicate and dispose of the appeal by issuing the hearing notice dt.19.09.2023 fixing the date of hearing of the appeal on 27.09.2023 but the Appellant did not attend the hearing due to his pre-occupation in local rituals as intimated by him to the Deputy Commissioner vide letter dt.26.09.2023. The record also shows that the hearing was, however, held on 27.09.2023 as scheduled in absence of the appellant and the EAC-cum-PIO, on behalf of the First Appellate Authority, the D.C passed an order dt. 27.09.2023 directing the PIO, D. C's Office to furnish the information.

Hearing and decision:

The appellant, during the course of hearing, however, submitted that he is yet to receive the information as sought for by him in his application. Hence this second appeal before the Commission.

The information sought by the appellant in his application appears somewhat vague. Therefore, when asked to explain and indicate as to the specific information he wished to obtain from the PIO, the appellant submitted that his request for information pertains to the applications received by the D. Cs office during the period 16.12.2021 to 24.01.2022 on allotment of land/ issue of Land Possession Certificate by the Govt.

The Commission observes and is constrained to note that the First Appellate Authority, other than issuing a clichéd order as the one dated 27.09.2023, did not adjudicate on the appeal in letter and spirit of law as mandated under section 19(1) of the RTI Act, 2005.

As laid down in the guidelines issued by the Govt. of India and the State Govt., the adjudication on the appeal under the RTI Act is 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 that, the order passed by the Appellate Authority should be a speaking order giving justification for the decision arrived at.

The First Appellate Authority, following the principle of natural justice, should conduct hearing giving adequate opportunity to the appellant and thereafter pass a reasoned and speaking order on merit.

In the instant case, although the First Appellate Authority had made some attempts to adjudicate on the appeal, no meaningful and fruitful action had been taken by the it to dispose of the appeal and the First Appellate Authority, having not discharged properly its mandated duty under section 19(1) of the RTI Act, 2005, the Commission deems it appropriate to remand the appeal to the First Appellate Authority for adjudication.

The First Appellate Authority, being the officer senior in rank to the PIO and well versed with the knowledge of the functioning of the department, shall apply his mind and go into the aspects like what kind of information was sought by the appellant in his application, whether the same was and could be provided or whether the same is exempted under the relevant provisions of section 8 of the Act or whether the information relates to matters covered by section 11 of the RTI Act etc. and thereafter pass a speaking order giving justification for his decision within 4 (four) weeks from the date of receipt of this order.

The appeal is, accordingly, remanded to the First Appellate Authority for adjudication and passing an appropriate speaking order with liberty to the appellant to prefer second appeal, if dissatisfied or aggrieved by the decision of the First Appellate Authority for which no cost need be paid.

Sd/-
(S. Tsering Bappu)
State Information Commissioner

Memo. No. APIC- 1013/2023/ 128
Copy to:

Dated, Itanagar, the 27 June 2024

1. The DC, East Kameng District, Seppa-cum-First Appellate Authority P/o- Seppa, PIN: 790102.
2. The PIO EAC, O/o the Deputy Commissioner Seppa East Kameng District, PIN:790102 Govt. of Arunachal Pradesh, for information & necessary action please.
3. Shri Nibu Veo, PO/PS- Seppa East Kameng Distirct, (A.P), Pin-790102, PH- 8132079819, Arunachal Pradesh, for information & necessary action please.
4. The Computer Programmer for uploading on the Website of APIC.
5. Office copy.

Deputy Registrar
Registrar/Dy. Registrar
APIC, Itanagar.