



सूचना का  
अधिकार  
RIGHT TO  
INFORMATION

ARUNACHAL PRADESH INFORMATION COMMISSION (APIC)  
ITANAGAR

.....  
(Before the Hon'ble Information Commissioner Mr. Dani Gamboo)

AN APPEAL UNDER SECTION 19 (3) OF RTI ACT, 2005.

APIC-No.1187/2023(Appeal)

Shri Tap Sajan

Appellant

Yattap village

PO: Boasimla, PS: Raga

Kamle District A.P

Pin: 791120

(M) 8729902044

Versus

1. PIO o/o Deputy Commissioner (DC)

Respondents

Raga, Kamle District A.P

Pin: 791120.

2. The FAA cum Deputy Commissioner

Raga, Kamle District AP.

Pin: 791120.

Date 09.08.2024

JUDGEMENT / ORDER

This is an appeal filed under sub-section (3) of the Section 19 of the RTI Act, 2005. Brief fact of the case is that the appellant Shri Tap Sajan on 07.09.2023 filed an RTI application in Form-A to the PIO o/o Deputy Commissioner (DC) Raga, Kamle District A.P, whereby, seeking various information as quoted in Form-A application.

Appellant being not received information from the PIO, filed the First Appeal before the First Appellate Authority the Deputy Commissioner Raga, Kamle District AP on 07.11.2023.

Appellant again having not received the required information and decision from FAA, filed the Second Appeal before the Arunachal Pradesh information Commission on 22.12.2023. The appellant has not attached any order of decision or response from the FAA against which appeal is preferred.

The Registry of the Commission (APIC), on receipt of the appeal, registered it as APIC-No.1187/2023 (Appeal) and processed the same for its hearing and disposal.

Accordingly, this matter came up for hearing before the Commission Court today on 09.08.2024. Notice of hearing dated 21.06.2024 were served to FAA, PIO and the Appellant.

In this hearing of the appeal on 09.08.2024 the respondents PIO o/o Deputy Commissioner (DC) Raga, Kamle District did not appear. The appellant Shri Tap Sajan appeared. The FAA & Deputy Commissioner Raga, Kamle District AP did not appear. However, Shri Giper Bini, UDC-Cum- Accountant represented the PIO.

Heard the parties present.

The appellant states that neither the PIO has furnished the information as sought in RTI application form 'A' nor the FAA – First Appellate Authority has heard the appeal within the prescribed time period in the RTI Act 2005. So, he has filed second appeal to this commission court.

The representative of the PIO could not substantiate for not providing the information to the applicant in time.

On perusal of the case file, it is observed that there is no action on record taken by the FAA on the first appeal filed by the appellant. This second appeal is filed to commission court against the FAA for his inaction for disposal of the first appeal as per Arunachal Pradesh Right to Information (Appeal Procedure) Rule 2005.

This inaction of the FAA is negligence to implementation of provisions of RTI Act 2005 which was enacted to promote transparency and accountability in the working of every public authority and also to contain corruption and to hold governments and their instrumentalities accountable to the governed. Or the FAA is ignorant about his duties and function as First Appellate Authority in disposal of RTI Appeal cases.

On the basis of Arunachal Pradesh Right to Information (Appeal Procedure) Rule 2005 and - *as laid down at para-38 of the Guidelines for the FAA issued by the GoI and the State Govt. OM No. AR-111/2008 Dated 21<sup>st</sup> August, 2008, adjudication on the appeals under RTI Act is a 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 so, the order passed by the*

*appellate authority should be a speaking order giving justification for the decision arrived at.*

Therefore, the First Appellate Authority (FAA), the DC Raga Kamle District AP, following the principle of natural justice, shall conduct hearing giving fair and equal opportunity to both the appellant and the PIO and thereafter pass reasoned and speaking order on merit within three weeks from the date of receipt of this order. Therefore, this appeal is remanded to the First Appellate Authority (FAA) – the Deputy Commissioner, Raga Kamle District.

In view of the above facts and circumstances I find this appeal is fit to be disposed of and closed at Commission. And, accordingly, this appeal stands disposed of and closed once for all.

Judgement / Order pronounced in the Open Court of this Commission today this 9<sup>th</sup> day of August 2024. Each copy of the Judgement / Order be furnished to the parties.

Given under my hand and seal of this Commission / Court on this 9<sup>th</sup> day of August' 2024.

Sd/-  
(Dani Gamboo)  
State Information Commissioner  
APIC, Itanagar

Memo No.APIC-1187/2023/ 238  
Copy to:

Dated Itanagar the 11<sup>th</sup> August'2024.

1. The FAA cum Deputy Commissioner Raga, Kamle District AP. Pin: 791120.
2. The PIO o/o Deputy Commissioner (DC) Raga, Kamle District A.P Pin: 791120.
3. Shri Tap Sajan Yattap village PO: Boasimla, PS: Raga Kamle District A.P Pin:791120 (M) 8729902044
4. Computer Programmer Itanagar APIC to upload in APIC website and mailed to concerned department email.
5. Office copy.

Registrar / Dy.Registrar  
APIC, Itanagar  
Arunachal Pradesh Information Commission  
Itanagar