सत्यमेव जयते

सूचना का अधिकार
RIGHT TO INFORMATION

ARUNACHAL PRADESH INFORMATION COMMISSION, (APIC) ITANAGAR.

An Appeal Case U/S 19(3) of RTI Act, 2005
Vide Case No. APIC- 714/2023.

(Summon to appear in person)
(Or.5, R.3 of CPC)

Shri TakamSakap,GS,Arunachal Junior Legal Practice Coordination Committee (AJLPCC) and 2 others c/o Hotel 3D Chandranagar Itanagar, (A.P), (PIN:791111). .....Appellant

The PIO, o/o the E.E, (PHE & WS)Pasighat Division, East Siang District, (A.P) (PIN:791102). .....Respondent

ORDER

This is an appeal under Section 19(3) of RTI Act, 2005 received from Adv.TakamSakap and 2 others for non-furnishing of information by the PIO o/o the E.E (PHE & WS) Pasighat Division, East Siang District, Govt. of Arunachal Pradesh as sought for by him under section 6(1) (Form-A) of RTI Act, 2005 vide his application dt 24.05.23.

The PIO is present and the Appellant isabsent.

The records reveal that the Appellant Shri TakamSakap, GS,Arunachal Junior Legal Practice Co-ordination Committee (AJLPCC) and 2 others had filed application dated 24/05/23 before the PIO o/o the E.E (PHE & WS), Pasighat Division, East Siang District Arunachal Pradesh requesting for information(s), among others, regarding allocation of fund under Jal Jeevan Mission under PHE & WS Division Pasighat.

Having failed to receive the information(s) from the PIO, the Appellant had filed First Appeal under Section 19(1) of the RTI Act, before the Chief Engineer (PHE& WS), (E/Z), Itanagar vide memo of appeal dated 27/06/23. However, having failed again to receivethe information(s), the Appellants preferred this Second Appeal before this Commission under Section 19(3) of the RTI Act,2005 vide memo dated 28/07/23.

The perusal of the record also discloses that the appeal memo filed before the Commission vide memo dated 28/07/23 it not companied by the necessary documents as prescribed under rule-3 of the Arunachal Pradesh Information Commission (Appeal procedure) Rules 2005 more particularly, the serial No.(iii) and (iv) which pertain to the particulars of order against which appeal is preferred in the Commission and the brief facts leading to the appeal before this Commission.

Further, as laid down at para- 38 of the Guidelines for the F.A.A issued by the GOI and the State Govt., adjudication on the appeals under the RTI Act is a quasi-judicial function. It is, therefore, necessary that the First 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 First 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 fair and equal opportunity to the Appellant and the PIO and thereafter must pass a

reasoned and speaking order on merit within the stipulated period of 30 days from the date of receipt of the appeal.

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 Act for implementation of the RTI Act in letter and spirit in terms of the provisions of Section 19(1) of the RTI Act, 2005 instead of simply directing the PIO concerned to furnish the information(s).

In the premises as above this Commission finds the case at hand fit to be remanded to the FAA, the Chief Engineer, (PHE & WS), (E/Z), Itanagar for adjudication on the appeal who shall apply his mind and go into aspects like what kind of information(s) was sought by the Appellant, whether the information(s) would be provided or whether the same is hit by the provisions of Section – 8 of the RTI Act, 2005 and then pass an appropriate speaking order giving justification for his decision.

This appeal is accordingly, remanded to the F.A.A, the Chief, Engineer (PHE& WS) (W/Z) for adjudication within one month from the date of receipt of this 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 with the order passed by the F.A.A for which no fee need be paid.

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

Memo No. APIC- 714/2023/153 Dated Itanagar, the 28 Aug, 2024
Copy to: -

1. The Chief Engineer (PHE & WS), (E/Z), Govt. of A.P, Itanagar-cum-the First Appellate Authority (FAA) for information & necessary compliance.
2. PIO, o/o the Executive Engineer, (PHE & WS), Pasighat Division,East Siang District, Govt. of Arunachal Pradesh for information and necessary action.
3. Shri TakamSakap&2 others, c/o Hotel 3D Chandranagar, Itanagar, (A.P), Mobile no. 9774171288/9366385390 for information & necessary follow-up action.
4. The Computer Programmer/Computer Operator for uploading on the Website of APIC, please.
5. Office copy.

Registrar/ Deputy Registrar
APIC, Itanagar.

Deputy Registrar
Arunachal Pradesh Information Commission
Itanagar