



ARUNACHAL PRADESH INFORMATION COMMISSION, (APIC)
ITANAGAR.

An Appeal Case U/S 19(3) of RTI Act, 2005
Vide Case No. APIC- 837/2023.

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

Shri Palen Laa & Smti Yukar Yaga,
Jollang, near Sonam Nursary, ItanagarAppellant
(A.P).

The PIO, o/o the Executive Engineer,
(RWD), Raga Division, Kamle District, (A.P)Respondent

ORDER

This is an appeal under Section 19(3) of RTI Act, 2005 received from Shri Palen Laa for non-furnishing of information by the PIO o/o the Executive Engineer, (RWD), Raga Division, Kamle District, Govt. of Arunachal Pradesh as sought for by him under section 6(1) (Form-A) of RTI Act, 2005 vide his application dt 20.06.2023.

The hearing of this case was fixed today on 21st August,2024. The PIO, o/o the Executive Engineer, Department of (RWD), Raga Division, Kamle District is absent. The Appellant Shri Palen Laa who is also absent informed vide letter dated 19/08/24 that he shall not be able to attend the hearing as he has to attend the Court of Chief Judicial Magistrate at Daporijo.

The records reveal that in response to the appeal filed by the Appellant before the First Appellant Authority, the Chief Engineer, RWD, (W/ Z), Itanagar vide memo of appeal dated 24-07-23, the APIO, o/o the FAA, vide letter dated 07-08-23, had directed the PIO, o/o the Executive Engineer, (RWD), Raga, Kamle District to furnish the information(s) sought by the Appellant in his application dated 20-06-23.

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, (RWD), (W/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 (RWD) (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.

Dated Itanagar, the 22 Aug, 2024

Memo No. APIC- 837/2023/142
Copy to: -

1. The Chief Engineer (RWD), (W/Z), Govt. of A.P, Itanagar-cum-the First Appellate Authority (FAA) for information & necessary compliance.
2. PIO, o/o the Executive Engineer, (RWD), Raga Division Kamle District, Govt. of Arunachal Pradesh PIN: 791120.
3. Shri Palen Laa & Smti Yukar Yaga, c/o Jollang, near Sonam Nursery, Itanagar (A.P) PIN: 791111 Mobile no.7085354892 for information & necessary follow-up action.
4. The Computer Programmer/Computer Operator for uploading on the Website of APIC, please.
5. Shri Himanshu Verma, IT Consultant to intimate the Appellant and PIOs for online hearing and arrangement accordingly.
6. Office copy.


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