



ARUNACHAL PRADESH INFORMATION COMMISSION, (APIC)
TANAGAR.

An Appeal Case U/S.19(3) of RTI Act, 2005
Vide Case No. APIC-1168 /2023.
(Or.5, R.3 of CPC)

Shri Gamsen Ruti, Liru Lower Siang
District, Likabali (A.P)
PIN:791152

: APPELLANT

Vs

The PIO, o/o the DMO, Lower Siang
District, Likabali (A.P)

: RESPONDENT

ORDER

This is an appeal under Section 19(3) of RTI Act, 2005 received from Shri Gamsen Ruti for non-furnishing of information by the PIO, o/o the DMO, Lower Siang District, Likabali (A.P) as sought for by him under section 6(1) (Form-A) of RTI Act, 2005 vide application dated 30.08.2023.

This appeal is heard today on 30/10/24 wherein the Appellant, Shri Gamsen Ruti attended the hearing physically but the PIO, o/o the DMO, Lower Siang District, Dr. Nyage Geyi attended the hearing through Video Conference (V.C).

Heard both the parties.

Records reveal that the Appellant did not receive the information sought by him from the PIO in view of which he approached the F.A.A the Deputy Commissioner, Lower Siang District, Likabali vide his appeal dated 30/08/23.

Having failed yet again to obtain the information the Appellant preferred this second appeal before this Commission vide Memo of Appeal dated 30/10/24.

Records further disclose that the F.A.A has not adjudicated on this appeal as mandated under Section 19(1) of RTI Act,2005.

The First Appellate Authority, following the principle of natural justice, should have conducted hearing giving fair and equal opportunity to the Appellant and the PIO and thereafter passed a reasoned and speaking order on merit.

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 provisions of Section 19(1) of the RTI Act, 2005.

In the premises as above this Commission finds the case at hand fit to be remanded to the FAA, the Deputy Commissioner Lower Siang District, Likabali Govt. of A.P for adjudication who shall apply his mind and go into aspects like what kind of information was sought by the Appellant, whether the information(s) could be provided or whether the same is hit by the provisions of Section – 8 & 9 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 Deputy Commissioner Lower Siang District, Likabali for adjudication within 4(four) weeks from the date of receipt of this order and the PIO shall comply with the order of the F.A.A within 2(two) weeks from the date of F.A.A's 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/ dissatisfied with the order passed by the F.A.A, or with the information furnished by the PIO for which no fee need be paid.

Sd/-

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

Memo No. APIC-1168/2023/ 289
Copy to:-

Dated Itanagar, the 4 Nov, 2024

1. The Deputy Commissioner, Lower Siang District, Likabali, -Cum- First Appellate Authority for information & Complainece.
2. The PIO, o/o the DMO, Lower Siang District, Likabali PIN: 791125 for information & necessary action please.
3. Shri Gamsen Ruti Liru, Lower Siang District, Likabali, (A.P) Mobile no.8974581890 PIN: 790102 for information.
4. The Computer Programmer/Computer Operator for uploading on the Website of APIC, please.
5. Office copy.
6. S/Copy.

Registrar/ Deputy Registrar
APIC, Itanagar

Deputy Registrar
Arunachal Pradesh Information Commission
Itanagar.