



ARUNACHAL PRADESH INFORMATION COMMISSION, (APIC)
ITANAGAR.

An Appeal Case U/S 19(3) of RTI Act, 2005
Vide Case No. APIC- 719/2023.

Shri Nikam Dabu c/o B.B.B Enterprise H- Sector
Itanagar, Pin code:791113

..... Appellant

V/s

The PIO, o/o the Project Director, Daporijo Upper
Subansiri District, A.P, Pin code: 791122.

.....Respondent

ORDER

This is an appeal under Section 19 (3) of RTI Act, 2005 received from Shri Nikam Dabu for non-furnishing of information by the PIO, o/o the Project Director, Daporijo, Upper Subansiri District, A.P as sought for by him under Section 6(1) (Form-A) of RTI Act, 2005.

This appeal was fixed for hearing today on 28/08/24 wherein the Appellant, Shri Nikam Dabu c/o B.B.B Enterprise, H-Sector, Itanagar is absent but the PIO o/o the Project Director Daporijo Shri Tanam Kyali (P.D) is present through video conference (V.C).

The PIO submitted that he has not received the application (Form-A) from the Appellant seeking the information. He further submitted that the information as sought for by the applicant, perhaps, pertain to the offices of the Block Development officers.

The perusal of the records in this appeal reveals that the Appellant Shri Nikam Dabu, had filed application dated 16/05/23 before the PIO o/o the Project Director, Daporijo seeking 16 (sixteen) point information regarding hundred days MGNREGA materials procured and supply in entire CD blocks of Upper Subansiri District.

The Appellant having failed to obtain the information from the PIO, filed appeal dated 29/06/23 before the D.C, Daporijo, the First Appellate Authority under Section 19 (1) of the RTI Act, 2005 on the ground of non-furnishing the sought for information.

The Appellant having failed yet again to obtain the information(s) preferred this 2nd appeal before this Commission vide memo dated nil which was received in this Commission on 01/08/23.

The records in the appeal, however, discloses that the F.A.A, the D.C, Daporijo has not taken any action on the appeal.

It is germane to point out here that as per the Arunachal Pradesh Information Commission (Appeal Procedure) Rules 2005, an appeal made to the Commission is required to be accompanied by documents, inter alia, the particulars of the order against which the appeal is made, brief facts leading to the appeal and attested true copy of the order against which the appeal is being preferred. However, no such material documents are found enclosed in the appeal.

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 recording the submissions of the parties 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 terms of the provisions of Section 19(1) of the RTI Act, 2005.

In the instant case since the F.A.A, has not adjudicate on the appeal, this Commission finds the case fit to be remanded to him for adjudication a mandated by law.

This appeal is accordingly remanded to the F.A.A, the D.C, Daporijo for adjudication and passing an appropriate speaking order within four weeks from the date of receipt of this order with liberty to the Appellant Shri Nikam Dabu to prefer 2nd appeal before this Commission if he is aggrieved with the order/decision of the F.A.A for which no fees need be paid.

Sd/-

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

Memo No. APIC- 719/2023/162
Copy to: -

Dated Itanagar, 29 Aug, 2024

1. The Deputy Commissioner Daporijo Upper Subansiri District, Govt. of A.P, -cum- the First Appellate Authority (FAA) for information & necessary compliance.
2. PIO, o/o the Project Director, Rural Development, Daporijo, Upper Subansiri District, Govt. of Arunachal Pradesh PIN: 791120.
3. Shri Nikam Dabu c/o B.B.B Enterprise H- Sector, Itanagar, (Pin code:791113) for information.
4. The Computer Programmer/Computer Operator for uploading on the Website of APIC, please.
5. Office copy.


Registrar/ Deputy Registrar
APIC, Itanagar.

Deputy
Arunachal Pradesh Information Commission
Itanagar