



सत्यमेव जयते



सूचना का
अधिकार
RIGHT TO
INFORMATION

ARUNACHAL PRADESH INFORMATION COMMISSION, (APIC)

TANAGAR.

**An Appeal Case U/S 19(3) of RTI Act, 2005
Vide Case No. APIC- 1090/2023.**

Shri Nabam Sonu & Ors c/o Smt. Teli Lina,
near Govt. Middle School Lekhi, Naharlagun,
Papum Pare Dist, (A.P)

: APPELLANT

Vs

The Director-cum-PIO, Department of Environment
& Project Coordinator, Itanagar Papm Pare District,
(A.P)

: RESPONDENT

ORDER

This is an appeal under Section 19(3) of RTI Act, 2005 received from Shri Nabam Sonu for non-furnishing of information by the Director-cum-PIO, Department of Environment Project Coordinator, Itanagar Papum Pare District, A.P as sought for by him under section 6(1) (Form-A) of RTI Act, 2005 vide his application dated 22.03.2023

This appeal is listed today on 09/10/24 for hearing wherein the Appellant Shri Nabam Sonu is present but the Director-cum-PIO, Department of Environment & Project Coordinator, Itanagar Papum Pare District, (A.P) is absent.

Records reveal that the Appellant did not receive the information sought by him from the PIO in view of which he approached the Chief Conservator of Forest, Department Environment, Forest and Climate Change, Govt. of Arunachal Pradesh, Itanagar, the F.A.A vide his Memo of Appeal dated 08/08/23. Having failed yet again to obtain the information the Appellant preferred this second appeal before this Commission vide Memo of Appeal dated 21/11/23.

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 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.

In the premises as above this Commission finds the case at hand fit to be remanded to the FAA, the Chief Conservator of Forest Department Environment, Forest and Climate Change, Govt. of Arunachal Pradesh, Itanagar 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 Chief Conservator of Forest Department for adjudication within 2(two) weeks from the date of receipt of this order and the PIO shall comply with the order passed by the F.A.A within 2 (two) weeks from the date of the 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/not satisfied with the order passed by the F.A.A, or with the information received from the PIO for which no fee need be paid.


Given under my hand and seal of this Commission on this 9th October, 2024.

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

Memo No. APIC-1090/2023/ 255
Copy to:-

Dated Itanagar, the 10 Oct, 2024

1. The C.C.F (EF & CC), Govt. of A.P, Itanagar e-mail- ccfenvccarn@gmail.com for information and compliance.
2. The Director-cum-PIO, Department of Environment Project Coordinator, Itanagar Papum Pare District, A.P e-mail- robimdohu@gmail.com for information & necessary action please.
3. Shri Nabam Sonu, c/o Smt. Teli Lina near Govt. Middle School Lekhi, Naharlagun, Papum Pare Dist, (A.P) Mobile No.9402627443/ 7005931078 for information and follow up action.
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
Arunachal Pradesh
Itanagar