



सूचना का
अधिकार
RIGHT TO
INFORMATION

**ARUNACHAL PRADESH INFORMATION COMMISSION (APIC)
ITANAGAR**

(Before the Hon'ble Information Commissioner Mr. Genom Tekseng)

AN APPEAL UNDER SECTION 19 (3) OF RTI ACT, 2005.

APIC-No. **382/2023** (Appeal)

Sh. Dugi Sakam & Sh. Bomrik Taity, Yorkum
Village-Kamporijio Circle Raga, Kamle, District
Arunachal Pradesh. (M) 89798049037
Pin: 791120

Appellant

-Versus-

The PIO-Cum-EE, PHE, Raga Division, Kamle
District, Arunachal Pradesh **Pin: 791120**

Respondent

Date of hearing: 29-09-2023.

Date of decision: 29-09-2023.

The appellant filed an RTI application dated 07-02-2023 seeking information on various works **under SADA, ADA, SIDF, JJM, RIDF etc of entire District.** The respondent PIO did not reply on the RTI application. The appellant then filed First Appeal dated **22-03-2023.** The First Appellate Authority (FAA) has not passed any order on the First Appeal. Feeling aggrieved and dissatisfied, the appellant approached the commission with the instant Second Appeal.

After receipts of the second appeal notices were issued to the parties to appears on 29.09.2023

RELEVANT FACTS EMERGING DURING THE HEARING:

The following are present-

Respondent: Respondent PIO is represented by **Melo Kadu (JE).**

Appellant: Appellant Sri **Dugi Sakam** is present.

The appellant has submitted that the PIO has not provided reply to his RTI application. PIO's representative has not made any submissions before the commission.

OBSERVATIONS:

The commission after considering the submissions of the appellant and after perusing the record on case file observes that the RTI application was filed before the EE-Cum-PIO, PHE, Raga on 07-02-2023, but no reply was provided on the application within time limits as provided under section 7 (1) of the Act. There was complete negligence and laxity in the PIO in dealing with the RTI application. The commission also takes grave exemptions to the absence of the PIO during the hearing despite duly served notice on 18.08.2023. The PIO is advised to take prior permission of the commission before absenting himself and in case such lapse is repeated in future, the commission will be constrained to take action against him.

The commission further notes that the appellant sought huge information on various works/schemes instead of seeking information in a reasonable and comprehensive way. It is not open to the applicant under the Act to bundle series of requests into one application. As much as the PIO has a statutory responsibility to comply with the provisions of the RTI Act, applicant should also keep in mind that they should not transgress the letter and spirit of the RTI Act by flooding RTI applications which are cumbersome, protracted and circumlocutory in nature. The appellant being a reasonable citizen must know the limitation while filing an RTI query before any PIO. The commission strictly cautions the appellant that in future, he shall holistically adhere to the provisions of the RTI Act and rule made thereunder while filing RTI application before any PIO.

Record further reveals that First Appeal was filed before the DC, Raga instead of filing the same before concerned FAA-Cum-Chief Engineer. Section 19 of the Act provides every information seeker a mechanism with which he can seek redressal of grievances of non-disclosure or partial disclosure of information. Under section 19 the information seeker who has not received information at all from the PIO within 30 days or 48, as the case may be, of filing his application or if he is not satisfied with the reply of the PIO, can file a First Appeal before the First Appellate Authority within 30 days of receiving the communication from the PIO or from the expiry of such period. In case the appellant is not satisfied with the decision of the FAA or he has not received any decision at all, he may file a Second Appeal before the Information Commission within 90 days of the receipt of the decision of FAA or from the date on which decision have been made. But in this case the appellant had not filed First Appeal before the Chief Engineer-Cum-FAA. Record shows that the First Appeal was, instead, filed before DC, Raga. As per Govt. order No. **AR-117/2015** dated 17-09-2015, CE is the FAA and the First Appeal should have been filed before the Chief Engineer-Cum-FAA, PWD, Govt of A.P.

DECISION:

In the facts and the circumstances of the case, the commission notes that it is mandatory for the appellant to file a First Appeal before the FAA before moving Second Appeal before the commission and if a Second Appeal is filed without filing the first Appeal, the same is liable to be returned or dismissed. In view of the foregoing the commission is not inclined to adjudicate the action and inaction of the PIO in the instant matter and summarily reject the Appeal. **Appeal is dismissed.**

-Sd-
(Genom Tekseng)
Information Commissioner

Memo No.APIC-382/2023/1000
Copy to:

Dated Itanagar the 10th October' 2023.

1. Computer Programmer, Itanagar, APIC, to upload in APIC, website please.
2. Office copy.

10/10/23
Registrar/Dy.Registrar
APIC, Itanagar

Deputy
Arunachal Pradesh Information Commission
Itanagar