



ARUNACHAL PRADESH INFORMATION COMMISSION
TANAGAR.

An Appeal Case U/S 19(3) of RTI Act, 2005
Case No. APIC- 36 (R) /2024(36/2024)
(Summon to appear in person)
(Or.5, R.3 of CPC)

Shri Teli Naga, Vice President (Pro) ALSU, c/o
LL. Consultancy RTI & Legal Matters, Niya Namchung
Lower Dobam Karsingsa, PO/PS Banderdewa, Papum Pare
District, (A.P)

: APPELLANT

Vs

The PIO, o/o the Divisional Forest Officer Likabali,
Lower Siang District, (A.P)

: RESPONDENT

ORDER

This is an appeal under Section 19(3) of RTI Act, 2005 received from Adv. Teli Naga for non-furnishing of information by the PIO, o/o the Divisional Forest Officer Likabali, Lower Siang District (A.P) as sought for by him under section 6(1) (Form-A) of RTI Act, 2005 vide his application dated 16.11.2023.

(a) **Particulars of information:** Disbursement of compensation amount against all affected beneficiaries for jungle clearance/ground cover and Extraction of timber under submergence areas of SLHEP.

(b) **Details of information required:**

1. Certified copy of details total amount of phase wise sanctioned orders received from DFO Banderdewa through SLHEP/NHPC from 2019 to till date;
2. Certified true copy of DPR guidelines for jungle clearance / extraction of timber for various activities along with photographs during execution of works;
3. Segregate total names of affected beneficiaries along with total Ha submergence area;
4. Certified true copy of notification letter from DC, Lower Siang for claim and objection and details NOC of various land affected persons;
5. Name of the land affected persons and furnish detail segregate of various works like, sanctioning and stacking, jam cutting, making of dragging and stacking the jungles depot during the clearance of works at submergence areas;
6. Whether the work was floated tender process? If yes, furnish advertisement copy of local and national dailies;
7. Segregate details mode of payment for all beneficiaries, furnish certified true copy of cheque leaves / bill voucher / SMB books / challan etc;
8. The details area (Ha) and total assessment bills amount of each land affected beneficiaries;
9. The total (Ha) of private / community land;
10. The total (Ha) of reserved forest, if payment was made to the department of Forest CCF Pasighat, furnish details of challan or any other mode of payment;
11. The payment details / A-Roll Book with duly signed by each beneficiaries with revenue stamp, as per bills measurement prepared by the competent authority along with their counter sign;

12. Details plot wise sketch maps, Geo tag reports and photograph of each beneficiaries;
13. Details assessment reports and total bill amount of project affected individual beneficiaries;
14. All related documents if available pertaining in this project;
15. All documents must be certified true copies and annexure.

(c) **Period for information: 2019 to till date.**

This appeal was earlier filed and registered in this Commission on 18.01.2024, and heard on 13.11.2024. During the course of hearing on 13.11.2024, wherein the appellant Advocate, Shri Teli Naga and the Advocate Shri Lizar Bui, the counsel for the PIO were present, this Commission handed over to the Ld. counsel for the PIO the copy of the RTI application dated 16.11.2023 submitted by the appellant.

Since the appeal was found not adjudicated by the F.A.A, the C.C.F (Central Circle), Pasighat, this Commission vide order dated 18.11.2024 remanded the appeal to the F.A.A. for adjudication as required under section 19 (1) of the RTI Act, 2005 within four weeks from the date of receipt of the order of this Commission dated 13.11.2024.

The appellant has now filed this appeal before this Commission on the ground that the PIO, o/o the DFO, Likabali did not furnish the documents despite the filing of appeal before the F.A.A under section 19(1) of the RTI Act 2005.

This appeal was, accordingly, listed and heard on 22.01.2025 wherein the appellant, Advocate Shri Teli Naga and Advocate, Shri Lizar Bui, the Ld. Counsel for the PIO, o/o the DFO were present.

Records reveal that in compliance with the order of this Commission dated 18-11-2024, the F.A.A, C.C. F(Central Circle), Pasighat conducted the hearing on 18.12.2024 wherein both the PIO and the appellant Shri Teli Naga were present. This Commission, however, observed from the order dated 28.12.2024 passed by the F.A.A that the hearing was not conducted on the merit of the case as to whether the information sought for by the appellant are disclosable or hit by any of the exemption provisions under the relevant section of the RTI Act, but the hearing was on the question of authenticity of the submission and receipt of the RTI application filed by the applicant in the o/o of the PIO, DFO, Likabli as there were some discrepancies in regard to signature on the acknowledgement sheet. The F.A.A had, thus, disposed of the First Appeal with the following direction :

- “ 1. The PIO may take necessary steps to check the signature of the office staff of his and verify accordingly.
2. He is advised in case if any staff has received than the same necessary ID should have been put on the RTI application and put up to DFO for further necessary action.
3. In case absence of the signature of any staff in the office, the PIO-cum-DFO Likabali is a liberty to intimate any legal procedure informing the undersigned with a copy to the Registrar, Hon'ble Arunachal Pradesh State Information Commission, Itannagar within 15days.

The case stands disposed off.

*(P.Ringu) IFS
Chief Conservator of Forest
Central Circle, Pasighat-cum-
First Appellate Authority.”*

During the course of hearing on 22.01.2025 the Ld. counsel for the PIO produced a copy of letter dated 20.01.2024 from the PIO-cum-DFO, Likabali, addressed to the F.A.A, C. C. F(Central Circle), Pasighat (A.P) (with a copy endorsed to this Commission) intimating that the signature in the acknowledgement sheet submitted by the appellant does not tally with the signature of any of the staff of his office. In this regard he had also enclosed in his letter the specimen signature of the staff of the PIO's office.

The Commission perused the signature on the copy of the acknowledgement which, on comparison with the signature of the staff, o/o of the DFO, does not, infact, match with any of the staff. When pointed out the said discrepancy to the appellant, he submitted that since his RTI application was submitted to the o/o the PIO through a messenger and not by himself, he believed bonafide that the receipt of his RTI application was actually acknowledged by the staff of the PIO. He further submitted that the F.A.A, instead of passing a vague and camouflaged order, thereby indirectly shielding the PIO, ought to have passed an appropriate order either rejecting or allowing the disclosure of the information to him which is the core issue in the appeal before him, more so, when the copy of his RTI application dated 16/11/2023, handed over to the PIO's Counsel during the hearing in the Commission on 13.11.2024, was placed before him on the date of hearing.

The learned counsel for the PIO, on the other hand, submitted that the information sought for by the appellant could have been furnished to him, had the appellant sought the information in accordance with the prescribed procedure. The Ld. Counsel for the PIO, thus, submitted that the PIO, o/o of DFO, Likabali has no issue / problem in furnishing the sought for information to the appellant provided the appellant deposits the cost of the documents to the PIO as per the prescribed rate under the RTI Act. This Commission also holds that the Appellant, being a lawyer himself, ought to have been careful and mindful of the prescribed procedure for obtaining the information from a public authority. This Commission, therefore, cautions the appellant to be careful in future so as not to constrain the Appellate Authorities issue any adverse order.

This Commission, however, considering the cherished right of the appellant under the RTI Act to obtain information which is the fundamental issue involved in this appeal, is not inclined to further delve into the aspect of the discrepancies in the authenticity of the submission and receipt of the RTI application in the o/o of the PIO but is of the considered view that the intent and the purpose of the RTI Act would be served if the PIO is directed to furnish the information, whichever is disclosable under the law to the appellant. Accordingly, a copy of the RTI application dated 16-11-2023 filed by the appellant is hereby again handed over to the learned counsel for PIO who has duly acknowledged the receipt on behalf of the PIO.

The PIO shall comply with the above direction within a period of one month from the date of receipt of this order and the appellant is also directed to collect the information from the PIO by depositing the cost of the documents as may be required by the PIO.

Given under my hand and seal of this Commission on this 22nd January, 2025.

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

Memo No. APIC-36 (R)/2024 (36/24) 418 **Dated Itanagar, the 27 Jan, 2025**

Copy to:

1. The F.A.A, the C.C.F (Central Circle), Pasighat East Siang District, Govt. of AP, for information and for ensuring compliance by the PIO.
2. The PIO, o/o the Divisional Forest Officer Likabali, Lower Siang District, (A.P) for information and compliance.
3. Shri Shri Teli Naga, Vice President (Pro) ALSU, c/o LL. Consultancy RTI & Legal Matters, Niya Namchung Lower Dobam Karsingsa, PO/PS Bandardewa, Papum Pare District, (A.P) PIN: 791123 Mobile No. 6909447020 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
Registrar
Arunachal Pradesh Information Commission
Itanagar.