



सत्यमेव जयते



ARUNACHAL PRADESH INFORMATION COMMISSION
ITANAGAR.

An Appeal Case U/S 19(3) of RTI Act, 2005
Case No. APIC-439 /2024.

APPELLANT : Shri Nibo Pao, Shri Tawa Yomdo, Shri Japa Tali, Shri Jiten Lora & Ors.

RESPONDENT : The PIO, o/o the (DFO), Likabali Forest Division, Lower Siang District (A.P)

ORDER

This is an appeal under Section 19(3) of RTI Act, 2005 received from Shri Nibo Pao, Shri Tawa Yomdo, Shri Japa Tali, Shri Jiten Lora & others for non-furnishing of below mentioned information by the PIO, o/o the (DFO), Likabali Forest Division, Lower Siang District (A.P) as sought for by them under section 6(1) (Form-A) of RTI Act, 2005 vide their application dated 19-08-2024.

A) Particular of information: Seeking information regarding implementation of A.P State CAMPA funds for DFO, Likabali Forest Division, Lower Siang District (A.P) from 2014 to 2024 and all kinds reserved forests notifications in Likabali Forest Division.

B) Details of information required:

1. Project wise chart showing the enumeration of trees, species and girth wise volume in respect of diversion of forest lands;
2. Project wise statement showing number of trees volume and valuation of trees in respect of diversion of forest lands;
3. Project wise detail estimates for departmental timber operation against extraction of trees in respect of diversion of forest lands;
4. Project wise abstract of royalty and departmental timber operation;
5. Project wise detail estimates for creation of compensatory afforestation for diversion of forest lands with maps;
6. Project wise site certificates from the competent authority regarding suitability area identified for compensatory afforestation;
7. Project wise site inspection reports;
8. Year wise amount receipts under AP State CAMPA from the office of PCCF, department of Environment, Forest and climate change, Itanagar, Govt. of AP;
9. Year wise payment made with cheque counterfoils, money receipts and bank statements of DDO/DFO Likabali Forest Division, and
10. All types of Reserved Forests notifications in Likabali forest division with minute of meeting and agreement copies, if any.

C) Period for which information is required: 2014 to 2024

Facts emerging from the appeal:

Records in the appeal reveal that the appellants herein, vide their application dt.19.08.24, had sought for the abovementioned information/documents from the respondent, PIO. But having failed to obtain the information, they filed their 1st appeal under section 19(1) of the RTI Act, 2005 before the CCF, Central Circle, Pasighat, the First Appellate Authority (FAA) vide their Memo of Appeal dt.16.10.2024. The records also disclose that the appellants filed their 2nd appeal before this Commission under section 19(3) of the RTI Act vide Memo of Appeal dt.13.11.2024 on the ground that the PIO had refused to entertain the RTI Form-A application and the CCF-FAA has denied to entertain First Appeal by issuing letter dt. 30.10.2024.

Hearing and decision:

This appeal was, accordingly, listed and heard on 21.03.2024 wherein one of the appellants, Shri Nibo Pao and the Advocate Shri Lizar Bui, representing the PIO were present in person.

This Commission, upon hearing the parties and on perusal of the records in the appeal remanded the case to the FAA, the CCF, Central Circle, Pasighat with direction to adjudicate on the appeal and pass an appropriate order thereof on merit i.e whether the requested information/documents could be provided or whether the same were exempted under the relevant provisions of section 8 and 9 of the RTI Act or whether the information pertains to matters covered under section 11 of the Act etc. The FAA was directed to comply with the above direction within 4(four) weeks from the date of receipt of the order. The appellants were also directed to appear in the hearing failing which the FAA allowed the liberty to dismiss the appeal as being not interested in the requested information.

This Commission, however, received a letter dt.10.04.2025 from Shri Nibo Pao enclosing therewith copies of the CCF, Central Circle, Pasighat, the FAA's letter dt.04.04.2025 addressed to this Commission's Registry by which it was informed, among others, that a police investigation is underway against Shri Bajum Taba, DFO, Likabali in an FIR filed by an organization namely, the Arunachal Pradesh Youth Organization (APYO) and therefore that the adjudication of the appeal by the FAA may be deferred so that any order for disclosure or otherwise of the information could be passed by the FAA after the completion of the police investigation. The FAA, while conveying the above position, had also enclosed a copy of his letter dt.04.04.2025 to the DFO, Likabali asking him to submit point-wise details/replies to the complaints of APYO for needful action by the CCF within 45 days. The FAA had, thus, pleaded for deferring the hearing of the 1st appeal by him.

However, the appellants through their aforesaid letter expressed their strong protest against the statement of the FAA saying that such a statement is totally wrong and with ulterior motive to shelter the PIO and hence requested for direction to the PIO to furnish the requested information as per their RTI application in Form-A.

This Commission was constrained to note that the suggestion/pleading of the FAA was completely out of the mandate provided under section 19(1) of the RTI Act. Under the scheme of section 19(1) when an information seeker is denied of the requested information by the PIO an appeal lies before the FAA who is required to hear the parties and decide the matter in accordance with law which, among others, prescribes the period of one month. This is First appeal. A 2nd appeal lies with the Commission in terms of section 19(3) of the RTI Act if the information seeker feels aggrieved with the decision of the FAA.

In the case on hand, since the appellants were aggrieved with the decision of the FAA and therefore, had approached this Commission. This appeal was thus admitted and, accordingly, decided to hear in this Commission as mandated under section 19(3) of the RTI Act on 13th June, 2025. The summons were, accordingly, issued to the parties.

However, the appellants, in the meantime, intimated this Commission vide their letter dt.11.06.2025 that they have received the requested information from the PIO with which they are satisfied and therefore that this appeal be closed as such.

In the premises as above, this appeal stands closed and resultantly the hearing of this appeal fixed on 13.06.2025 stands cancelled.

Given under my hand and seal of this Commission on this 12.06.2025.

Sd/-

(S. TSERING BAPPU)

State Information Commissioner,
APIC, Itanagar.

Memo No. APIC- 439/2024 / 762 Dated Itanagar, the 13 June, 2025

Copy to:

1. The Chief Conservator of Forest, Central Circle, Pasighat (A.P), the First Appellate Authority (FAA) for information.
2. The PIO, o/o the (DFO), Likabali Forest Division, Lower Siang District, (A.P) PIN: 791125 for information.
3. Shri Nibo Pao, Polo Colony, Naharlagun, PO/PS Naharlagun, Papum Pare District (A.P) PIN: 791110 Mobile No. 76308055314 for information.
4. The Computer Programmer/Computer Operator for uploading on the Website of APIC, please.
5. Office copy.
6. S/Copy.

Pooja
18/06/25
Registrar/Deputy Registrar
Arunachal Pradesh Information Commission
APIC, Itanagar.