



ARUNACHAL PRADESH INFORMATION COMMISSION (APIC)
ITANAGAR

File No. APIC-328/2025(Appeal)

Shri Nyasam Jongsam

C/o Nath Pharmacy
Opposite Shilpa Bakery (Ganga)
PO: RK Mission Itanagar
Papumapre Dist. A.P.
(M) 7085423745/9362128311
Pin: 791113

Appellant

versus

Respondent

PIO,
O/o the District Election Officer (DEO)
Changlang, Changlang District A.P.
Pin Code: 792120.

ORDER

Date of Hearing: 11.08.2025
Date of Decision: 11.08.2025

INFORMATION COMMISSIONER : Dani Gamboo
Relevant facts emerging from appeal.

RTI application filed on : 09.12.2024
SPIO replied on : Not on record
First appeal filed on : 07.01.2025
First Appellate Authority's Order : Not on record
Second Appeal filed on : 17.04.2025

Information sought:

The appellant filed an RTI application dated 09.12.2024 seeking reply or Action Taken Report on:

- 1) Action Taken Report on his complaint representation submitted to RO/DEO, Changlang on 28.03.2024.
- 2) Furnish the detail order / file noting and all relevant order etc.
- 3) Furnish the detail reason for not considering my representation.
- 4) Whether the returned candidate of the said constituency of this political party comply with the provision of Hon'ble Supreme Court in WP (Civil) No 536 of 2011

(public interest foundation & other Vs Union of India & other) dated 23/9/2018 and direction in the Election Commission's letter no.3/ER/2018/SDR dated 16.09.2020. Whether the BJP has uploaded the pending criminal cases in their website including social media/ TV adds etc. Furnish details.

The following were present.

Appellant : Present. He states that he has received some information from the PIO which does not conform to the information sought in RTI application. The first appellate authority has not heard the first appeal filed to him.

Respondent PIO : Present through VC. He states that they have not received any representation dated 28.03.2024, as stated at serial no.1 of the RTI application in form A, from the appellant.

F A A : Absent.

Decision:

The Commission after adverting to the facts and circumstances of the case, hearing the parties and perusal of the records, observes that FAA has not disposed of the first appeal filed to him by following statutory procedure laid down in the Arunachal Pradesh Right to Information (Appeal Procedure) Rules, 2005. So, this appeal case is decided and determined in the absence of FAA as made known to him in the hearing notice.

As laid down at para-38 of the Guidelines for the FAA issued by the GoI and the State Govt. OM No. AR-111/2008 Dated 21st August, 2008, adjudication on the appeals under RTI Act is a quasi-judicial function. It is, therefore, necessary that the 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 appellate authority should be a speaking order giving justification for the decision arrived at.

Therefore, the instant appeal case is remanded to First Appellate Authority. Therefore, the **FAA – Chief Electoral Officer, Itanagar**, following the principle of natural justice, shall conduct hearing giving fair and equal opportunity to both the appellant and the PIO and thereafter pass reasoned and speaking order on merit within two weeks from the date of receipt of this order i.e. **on or before 25.8.2025**.

The appellant is at liberty to file 2nd appeal afresh:

1. If the Appellant is not satisfied with the information furnished to him by PIO based on the judgement order passed by the FAA.
2. If the FAA has denied the requested information based on specific exemptions/ grounds provided under the RTI Act, 2005.

Fee for such 2nd appeal, if done, shall be exempted.

**Sd/- (Dani Gamboo)
Information Commissioner**

Authenticated true copy

P. Mag.

Registrar / Dy. Registrar
APIC

Memo No. APIC-328/2025/ 575 Dated Itanagar the 5 August' 2025.
Copy to:

1. Computer Programmer Itanagar APIC to upload in APIC website and mailed to concerned department email.
2. Office copy.

P. Mag.

Registrar / Dy. Registrar

APIC, Itanagar

Deputy Registrar

Arunachal Pradesh Information Commission

Itanagar