



ARUNACHAL PRADESH INFORMATION COMMISSION
ITANAGAR.

An Appeal Case U/S 19(3) of RTI Act, 2005
Case No. APIC- 36 (R) /2024(36/2024)

APPELLANT :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).

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

ORDER

This is an appeal under Section 19(3) of RTI Act, 2005 received from Adv. Teli Naga for non-furnishing of the following 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, however, preferred 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. As such the appeal was 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 in the appeal revealed 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 appellant in the o/o of the PIO, DFO, Likabli as there were some disputes and 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, infact, did not match with any of the staff. When the said discrepancy was pointed out 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 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 on 13.11.2024, was placed before him in the hearing before him.

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 felt 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, cautioned the appellant to be careful in future so as not to constrain the Appellate Authorities to issue any adverse order against him.

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, did not 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 and directed the PIO 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 was again handed over to the learned counsel for PIO who had duly acknowledged the receipt on behalf of the PIO.

The PIO was, thus, directed to comply with the above direction within a period of one month from the date of receipt of the order 22nd January, 2025 and the appellant was also directed to collect the information from the PIO by depositing the cost of the documents as may be required by the PIO.

This Commission, in the meantime, on 29.01.2025 received 2(two) letters of even number No.CAC/01/2024/RTI/II dt.20.01.2025 and dt.27.01.2025 from the FAA, the Chief Conservator of Forests, Central Circle, Pasighat, the contents of which are same as extracted below:

** "In reference to Summon vide no.APIC-36(R) 2024* (36/24)/388 Dated* 02/01/2025 of Hon'ble Court of Shri Sangyal Tsering Bappu, APSIC, APIC Itanagar. This office comment on sl-10 of summon as follows:*

As per this office record no records of sanction are available. In view of the record the payment to the affected beneficiaries under submergence area from this establishment does not arise.

*Sd/-
(P.Ringu) IFS
Chief Conservator of Forests
Central Circle::Pasighat
Cum
First Appellate Authority"*

This Commission found that the CCF, vide his aforesaid communication, intimated that the information sought for by the Appellant against Sl. No.10 of RTI application namely, ***"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"*** is not available. The submission was, however, silent about other 14(fourteen) points which was not convincing, the factual position of which would be known only upon hearing the PIO in person.

This Commission also, in the meantime, received a complaint petition dt.24.02.2025 from the appellant, Shri Teli Naga that despite clear and unambiguous order dt.22.01.2025 passed by this Commission, the PIO failed to furnish the information and that such wilful non-compliance of the order of the Commission attracts penal action under section 20(1) of the RTI Act. The appellant, hence, pleaded this Commission for imposing penalty on the PIO and also a direction to him to furnish the sought for information.

In the premises as above, this Commission deemed it appropriate to have the appeal adjudicated and settled by hearing the PIO in person in accordance with the mandate of the RTI regime and, accordingly, the PIO, Shri B.Taba, DCF, DFO, Likabali Forest Division was directed to be appear physically on 07.03.2025 and cautioned him that if he failed to comply with this direction, this Commission will be constrained to hold that the he has no respect to this Commission and the RTI Act making him liable to the penal action under section 20 of the RTI Act.

The case was, accordingly, listed and heard on 07.03.2025 wherein the Appellant, Advocate Shri Teli Naga and Advocate Shri Lizer Bui, the Ld. Counsel for the PIO were present.

Heard both the parties.

The Appellant reiterated his demand for the sought for information and also demanded action against the PIO under section 20 of the RTI Act for wilfully denying the information to him and also failing to appear in the hearing. The Ld. Counsel for the PIO, on the other hand, argued that there was neither wilful denial of information nor disrespect to the order of this Commission on the part of the PIO. The Ld. Counsel, producing a copy of order dt. 03.03.2025 from the Dy. Commissioner, Lower Siang District, Likabali directing Shri B.Taba, the DFO, Likabali, the PIO to attend a meeting on 7th March, 2025 on border related issue, submitted that had there been no such pre-occupation, the PIO could have attended the meeting. The Ld. Counsel also furnished a copy of letter dt.27.02.2025 addressed to the Appellant, Shri Teli Naga by the PIO whereby the reply to the appellant's RTI application has been furnished stating therein that **"the disbursement of compensation amount against all affected beneficiaries is not dealt by Likabali Forest Division. Matter is related to COMPENSATION."**

Reiterating the said reply, the Ld. Counsel for the PIO, submitted that since issue of compensation pertaining to the acquisition of land from the land owners has been dealt and settled by the Dy. Commissioner concerned at the time of acquisition of land itself, the question of 'compensation to affected beneficiaries' as contended by the appellant does not arise and resultantly, the question of furnishing replies to the queries at Sl.No.1 to 15 of the RTI application of the appellant does not arise.

In the course of hearing, the Appellant produced a copy each of the DFO, Likabali's letter dt.08.03.2022 addressed to the General Manager, NHPC Ltd., Subansiri Lower HE Project, Gogamukh, Assam and the Executive Director, SLP's letter dt.07.04.2022 addressed to the PCCF & HoFF, Govt. of A.P regarding release of Rs.4.55 crore to the DFO, Likabali against clear felling of trees falling in the submergence area of Subansiri Lower HE Project (SLP), NHPC Ltd. and complained that from a bare perusal of the said letters it would be clear that the Ld. Counsel is misleading him as well as well this Commission. The Ld. Counsel for the PIO, however, contended that since the Appellant's RTI application is for the details regarding 'compensation to the affected beneficiaries', the aforesaid amount released to the DFO by the NHPC has no relation with the RTI application of the appellant and therefore, *the PIO o/o DFO, Likabali is not bound to furnish any information. The Ld. Counsel at the same time, however, submitted that the appellant, if he so wishes, could request the PIO for the information regarding the aforesaid amount through a fresh RTI application.*

This Commission, upon hearing both the parties and on perusal of the correspondences between the DFO, Likabali and the NHPC regarding the release of the amount of Rs. 4.55 crore, observed that the release of said amount is, indeed, not against 'compensation to the affected beneficiaries' but was for clear felling of trees and consequently, this Commission is inclined to hold that the PIO o/o the DFO, Likabali is not bound to furnish the information as sought for by the appellant vide his RTI application dt.16.11.2023.

This appeal is, accordingly, disposed of and closed. It is, however, made clear that the appellant may, if he so desires, file fresh application before the PIO for the information regarding the amount of Rs.4.55 crore released to the o/o the DFO, Likabali by the NHPC. He may also, if felt aggrieved by this order, prefer appeal before the appropriate forum as provided under section 23 of the RTI Act.

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

Memo No. APIC-36 (R)/2024 (36/24) 1629 Dated Itanagar, the 11 March, 2025

Copy to:

1. The PCCF and Prl. Secy.(EF & CC), Govt. of A.P, for information please.
2. The F.A.A, the C.C.F (Central Circle), Govt. of AP, East Siang District, Pasighat, for information.
3. The PIO, Shri B.Taba, DCF, o/o the Divisional Forest Officer Likabali, Lower Siang District, (A.P) for information.
4. Shri Shri Teli Naga, Vice President (Pro) ALSU, c/o LL. Consultancy RTI & Legal Matters, Niya Namchung Lower DobamKarsingsa, PO/PS Bandardewa, Papum Pare District, (A.P) PIN: 791123 Mobile No. 6909447020 for information.
5. ✓ The Computer Programmer/Computer Operator for uploading on the Website of APIC, please.
6. Office copy.
8. S/Copy.


Registrar/ Deputy Registrar
APIC, Itanagar
Registrar
Arunachal Pradesh Information Commission
Itanagar.