

MEGHALAYA INFORMATION COMMISSION, SHILLONG

....

No. MIC/Appeal/51/2009/32,

Shri Benzee Laitmon, Bishnupur, Shillong - Appellant

-Vrs-

The Conservator of Forests (T&Dev), Meghalaya - (PIO) - Respondent

ORDER

5-8-2009: Perused appeal petition dated Nil received in the Commission on 20th July, 2009 from Shri Benzee Laitmon, Shillong.

The case of the appellant is that he filed an R.T.I. application before the Respondent-PIO viz., the Conservator of Forest (P&T), Meghalaya, Shillong and that the P.I.O. has furnished him irrelevant information which can be interpreted as misleading. That he made an appeal before the State Public Information Officer on 2nd June, 2009. Though the appeal petition was received by the office of the Chief Conservator of Forest, Govt. of Meghalaya, Shillong, it appears that the Department had informed him subsequently that there is no such Appellate Authority as State Public Information Officer in the Department. Failing to receive any response from the Public Authority, the appellant preferred the instant second appeal before the Commission.

Having examined the appeal petition, the Commission observed that:

- (1) The appeal petition does not include copy of the original application submitted by him before the P.I.O. Under the “Right to Information (Appeal & Procedures of the State Information Commission) Rules, 2007” issued by the State Govt. of Meghalaya such copy should compulsorily accompany the appeal petition as it is the documents upon which the appellant relied as the basis of his appeal.
- (2) The appellant has submitted the first appeal before the State Public Information Officer. The appellant should know that all the Information Officers designated as such under the R.T.I. Act in the State are State Public Information Officers. They are officers who are to receive the R.T.I. applications and furnish the information to the requesters. They are not empowered by Law to hear appeals.

Any appeal against the decisions of the State Public Information Officer (PIO) should be preferred before the First Appellate Authority.

In the instant case, the Conservator of Forest (T & Dev), Meghalaya is the P.I.O. and the Principal Chief Conservator of Forest, Meghalaya is the designated Appellate Authority (DAA). Since the P.I.O. has

already furnished some information to the appellant, the appellant should not have preferred his appeal to the same officer but to the Principal Chief Conservator of Forest, Meghalaya who is the First Appellate Authority or D.A.A. of the Public Authority.

- (3) Second appeal can be addressed before the Commission only after the First Appellate Authority has given his decision on the First Appeal. In the instant case, even the First Appeal had not been validly filed by the appellant.

Such being the case, the appeal petition is **rejected**. The appellant may present his first appeal before the First Appellate Authority viz., the Principal Chief Conservator of Forest, Meghalaya at the first instant. Second appeal, if necessary, may be made before this Commission subsequently.

(G.P.Wahlang)
Chief Information Commissioner,
Meghalaya, Shillong.

Memo. No. MIC/Appeal/51/2009/32-A

Dated Shillong, the 5th August, 2009

Copy forwarded to:-

- (1) The Conservator of Forests (T&D), Meghalaya, Shillong (PIO).
- (2) Shri Benzee Laitmon, Bishnupur, Opposite – NCAB, Shillong – 793004.

(P.T.Rani,)
Under Secretary,
Meghalaya Information Commission,
Shillong.