

**NAGALAND INFORMATION COMMISSION**  
**Below Raj Bhavan, Officers' Hill Colony**  
**Post Box No. 148**  
**Nagaland, Kohima-797001**  
**Tel: 0370-2242366 | Fax: 0370-2242368**  
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No. NIC/Appeal-29/2017-18

Dated Kohima, the 3<sup>rd</sup> August, 2018

Appellant : Shri. Hiareuchi N dang,  
Perenkipeujang Village,  
Peren Town,  
Mobile No. 9436613106.

Respondents : 1) Director & FAA,  
Rural Development,  
Nagaland, Kohima.

2) Concerned PIO,  
District Rural Development Agency (DRDA), Peren,

Public Authority : District Rural Development Agency (DRDA), Peren.

Date of first hearing : 17.04.2018 at 1:00 PM.  
Date of first Decision : 20.04.2018.

Date of Second hearing : 25.07.2018 at 1:00 PM.  
Date of Second Decision : 03.08.2018.

**Present:**

1. Shri. Imlimeren Jamir, Director & FAA, Rural Development, Nagaland, Kohima, Mobile No. 9436005660.
2. Smti. Imtinenla, Deputy Secretary (former Project Director & PIO, DRDA, Peren), Nagaland, Kohima, Mobile No. 9436008665.
3. Shri. Keyirangding Hegui, Project Director & PIO, District Rural Development Agency (DRDA), Peren, Nagaland, Mobile No. 9862339023.
4. Smti. Akhrienuo Zchol, Computer Assistant, Rural Development, Nagaland, Kohima, Mobile No. 8414098171.

The applicant (now appellant), Shri. Hiareuchi N dang, Perenkipeujang Village, Peren Town, Mobile No. 9436613106 **did not appear** for the hearing.

**FACT OF THE CASE**

The Commission had, on 17.04.2018 at 1:00 P.M. heard for the second time, the second appeal dated 26.10.2017 received by email from Shri. Hiareuchi N dang, Perenkipeujang Village, Peren Town, Mobile No. 9436613106 against the non-response of the Director & First Appellate Authority, Rural Development, Nagaland, Kohima to his first appeal dated NIL which was preferred against the non-response of the PIO, District Rural Development Agency (DRDA), Peren to his RTI application dated 09.08.2017.

After the hearing on 17.04.2018 at 1:00 PM., the Commission had passed its decision of even No. dated 20.4.2018.

In compliance to **Point No.1** of the decision of the Commission of even No. dated 20.4.2018, the Commission had, without any forwarding letter by the present PIO received a copy of the information furnished by the former PIO, Smti. Imtinenla, Project Director & PIO, DRDA, Peren to the applicant vide letter No.DRDA/PRN/RTI-1/2013-14 dated **17.11.2017** and wherein the proof of date of furnishing of the information and the date of receipt of the information were evidenced on the body of the forwarding letter.

There was no compliance to **Point No.2** of the decision of the Commission dated 20.4.2018 from the applicant (now appellant) regarding submission of withdrawal letter to the Nagaland Information Commission.

As decided earlier the Commission had decided to hear the appeal again giving opportunity of being heard to all the parties **on 25<sup>th</sup> July, 2018 (Wednesday) at 1:00 P.M** in the **Hearing Room of Nagaland Information Commission, below Raj Bhavan, Officers' Hill Colony, Nagaland, Kohima** and had also directed the parties **to bring the files and relevant documents** in question for scrutiny on the above date and time for hearing.

1. Shri. Implimeren Jamir, Director & FAA, Rural Development, Nagaland, Kohima.
2. Smti. Imtimenla, former Project Director & PIO, DRDA, Peren, Nagaland.
3. Shri. Keyirangding Hegui, present Project Director & PIO, DRDA, Peren, Nagaland.
4. The applicant (now appellant), Shri. Hiareuchi Ntang, Perenkipeujang Village, Peren Town.

### **OBSERVATIONS AND FINDINGS:**

The applicant (now appellant) did not appear for the hearing and there was no prior intimation or reason for his absence in the hearing.

During the hearing, a letter dated NIL regarding **withdrawal of appeal** addressed to the Chief Information Commissioner, Nagaland, Kohima submitted by the applicant (now appellant), Shri. Hiareuchi Ntang, Perenkipeujang Village, Peren Town was produced before the Commission.

The Commission observed that the RTI application dated 09.08.2017 was received on the same date i.e. on **09.08.2017** as evidenced on the body of the application, however, the former PIO, Smti. Imtimenla, the then Project Director, DRDA, Peren had, vide letter No. DRDA/PRN/RTI-1/2013-14 dated **17.11.2017** furnished the information to the applicant(now appellant) only after the second appeal dated **26.10.2017** was filed before this Commission. The applicant (now appellant) had also acknowledged receipt of the information on **20.11.2017** and was **satisfied** with the information which was received from the PIO, DRDA, Peren. A copy of his Acknowledgement Receipt dated NIL was also produced before the Commission.

The Commission further observed that from the date of receipt of the RTI application dated 09.08.2017 on 09.08.2017 to the date of furnishing the information to the applicant on 17.11.2017, the number of days was 100 days. However, considering the 30 days for the PIO in furnishing the information, the delay becomes  $(100 - 30) = 70$  (seventy) days for which penalty was attracted.

The former PIO had admitted the delay in furnishing the information to the applicant (now appellant) however, she stated that the delay was caused due to the fact that the information had to be collected from the Blocks.

The Commission pointed out that under Section 6(3) of the RTI Act, 2005, the RTI application should have been transferred to the Blocks within five (5) days of receipt, and for which case the Blocks become the 'Deemed PIO'. Moreover, the former PIO could not produce any proof of documents that the RTI application was sent or transferred to the Blocks and that the information were received from the Blocks.

The Commission again observed that the applicant (now appellant) had never appeared for the hearings called by the Director & FAA and by the Commission inspite of several notices served to him. As per reports received by the Commission, some applicants used to threaten the public authorities or negotiate for their individual interests or monetary benefits while seeking information. This amounts to misuse or abuse the RTI Act which is against the objective and spirit of the RTI Act. In the present case, as observed earlier in the last hearing, the Commission suspected the applicant (now appellant) of misusing of the RTI Act and therefore took a serious view and warned not to misuse or abuse the RTI Act.

### **DECISION:**

Under Section 20 (1) of the RTI Act 2005, penalty at the rate of Rs. 250/- per day of delay for the total delay of seventy (70) days, amounting to **Rs. 17,500/-** (Rupees seventeen thousand and five hundred

only) is imposed on the former PIO, Smti. Imtinenla, Project Director, DRDA, Peren, Nagaland for contributing to the delay in furnishing the information to the applicant (now appellant) without reasonable cause.

The above penalty amount shall be paid within **fifteen (15) days** from the date of receipt of this decision. The penalty amount shall be deposited into the Government account through **treasury challan** in favour of the Consultant (Accounts), Nagaland Information Commission, Kohima under the Head of Account given below, with a copy of the **treasury challan**(in original) to this Commission:-

0070 - Other Administrative Services  
60 - Other Services  
118- Receipts under RTI Act, 2005

On receipt of the above compliance, the Commission shall declare the appeal case as **closed**.

Decision pronounced in the presence of the respondents only on 25.07.2018.

Copy be given to:-

1. Shri. Imlimeren Jamir, Director & FAA, Rural Development, Nagaland, Kohima, Mobile No. 9436005660.
2. Smti. Imtinenla, Deputy Secretary (former Project Director & PIO, DRDA, Peren), Nagaland, Kohima, Mobile No. 9436008665.
3. Shri. Keyirangding Hegui, Project Director & PIO, District Rural Development Agency (DRDA), Peren, Nagaland, Mobile No. 9862339023.
4. The applicant (now appellant), Shri. Hiareuchi Ndong, Perenkipeujang Village, Peren Town, Mobile No. 9436613106.
5. The Consultant(Accounts), Nagaland Information Commission for information.
6. The Computer Programmer, Nagaland Information Commission for uploading on the Commission's website and Notice Board.
7. Office Copy.

Sd/-  
**CHANBEMO LOTHIA**  
Chief Information Commissioner

Sd/-  
**G. H. RAMLIA**  
State Information Commissioner

Sd/-  
**KEVIZATUO MIACHIEO**  
State Information Commissioner

Authenticated true copy:-

**(WORHONTHUNG EZUNG)**  
Secretary