

**NAGALAND INFORMATION COMMISSION
OLD SECRETARIAT COMPLEX
POST BOX NO.148
NAGALAND: KOHIMA -797001**

No.NIC/Appeal-11/2011-12

Dated Kohima, the 30th Jan. 2012.

Appellants : a) Shri. R. Paphino
b) Shri. Kedoutsolhi Wetsah

Respondent : Director of Industries & Commerce,
Nagaland, Kohima

Public Authority : Director of Industries & Commerce,
Nagaland, Kohima.

Date of Hearing : 20.01.2012

Date of Decision : 20.01.2012

Present :

1. The Director of Industries & Commerce and First Appellate Authority, Nagaland, Kohima.
2. The Additional Director & PIO, Directorate of Industries & Commerce, Nagaland, Kohima.
3. Shri. R. Paphino

FACTS OF THE CASE:

The appellants viz. Shri R. Paphino and Shri Kedoutsolhi Wetsah had submitted an application under the provision of RTI Act 2005 on 19.09.2011 along with the prescribed fees to the PIO in the Directorate of Industries and Commerce. The information sought pertains to Transport Subsidy Programme of the Industries Department from the period March 2008 to March 2011. The application contained items of information sought.

The Additional Director and PIO of the Directorate of Industries and Commerce furnished the replies to the applicants on 28.09.2011. This is well within the stipulated time as per the RTI Act.

The applicants by their appeal filed before the Director and First Appellate Authority, Directorate of Industries and Commerce on 3rd October,

2011 stated that they were satisfied with the replies given in respect of query No.1 and query No.4. However, they stated that the reply furnished by the Additional Director and PIO of the Directorate of Industries and Commerce in relation to the query No.2 and No.3 were incorrect, evasive, irrelevant and misleading.

The applicants filed an appeal before the Nagaland Information Commission on 22.11.2011 on the grounds that the Director and First Appellate Authority, Industries and Commerce had failed to take up the issue or give any decision on the appeal filed before him on 3rd October, 2011.

Taking into account of the case, the Commission admitted the appeal and fixed 20.1.2012 for hearing.

The following were present on the day of hearing:-

1. The Director and First Appellate Authority, Industries and Commerce.
2. The Addl. Director and PIO Directorate of Industries and Commerce.
3. Shri. R. Paphino, Appellant.

The Commission observed that the Director & First Appellate Authority, Industries & Commerce had failed to convene hearing and did not summon neither the appellants nor the PIO of the Directorate of Industries & Commerce in order to dispose off the appeal filed before him by the petitioners on 3rd October, 2011. Had he done so, the matter could have easily been disposed off at his level and no appeal would need to have been filed before the Nagaland Information Commission. The Commission advised the Director and First Appellate Authority to give prompt attention to all RTI matters in future and dispose off all appeals as per the provision of the RTI Act within the specified time frame in order to avoid imposition of any penalty as per the provisions of the RTI Act 2005.

The appellants with regard to query No.2 and No. 3 have only sought additional information as under:-

- (a) Names of the fathers of proprietors with regard to query No.2 and
- (b) copies of photograph of all units proprietors submitted while granting provisional and permanent license to the proprietors with regard to query No.3

Decision

The Commission taking into account the statement and submission of the petitioners and the response of the Director & First Appellate Authority and PIO of Directorate of Industries and Commerce decided as follows:-

1. The Director & First Appellate Authority shall through its Addl. Director and PIO, Directorate of Industries & Commerce furnish the following documents to the appellants within 30 (thirty) days of the receipt of this order:-
 - a) The names of the fathers of the proprietors mentioned in the reply submitted by the Director to the petitioners.
 - b) Copy of photographs of the unit proprietors.

Decision pronounced in the open proceedings this day the 20th January, 2012.

Copy be sent to:-

1. The Director and First Appellate Authority, Industries and Commerce, Nagaland, Kohima.
2. The Addl. Director and PIO Directorate of Industries and Commerce, Nagaland, Kohima
3. Shri. R. Paphino, Appellant
4. Shri. Kedoutsolhi Wetsah, Appellant.

Sd/-

Lalhuma IAS (Rtd)
Chief Information Commissioner,
Nagaland, Kohima

Sd/-

Kevinino P.Meru
State Information Commissioner,
Nagaland, Kohima.

Sd/-

Bukchem Phom
State Information Commissioner,
Nagaland, Kohima

Authenticated by

Secretary
Nagaland Information Commission
Kohima