

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

**No.NIC/Appeal-2/2012-13/**

**Dated Kohima, the 29<sup>th</sup> May. 2012**

Appellant: Mr Kevi, Assembled Organization, C/o Advocate Chamber, NST Complex, 1<sup>st</sup> Floor, Kohima.

Respondent: Addl. CS & Development Commissioner, Nagaland, Kohima.

Public Authority: Planning & Coordination Dept., Nagaland, Kohima.

Date of hearing: 29.05.2012

Date of final decision: 29.05.2012

**Present:**

1. Mr Alemtemshi Jamir, IAS, ACS & Dev. Commissioner & First Appellate Authority, Planning & Coordination Department, Nagaland, Kohima.
2. Mr Temsuwati, Addl. Dev. Commissioner & PIO, Planning & Coordination Department, Nagaland, Kohima.
3. Mr Kevi, Assembled Organization, C/o Advocate Chamber, NST Complex, 1<sup>st</sup> Floor, Kohima.

**Fact of the case**

The applicant Kevi of Assembled Organization, Kohima had submitted an RTI application to the PIO, Planning & Coordination Department on 20.12.2011. The PIO and Addl. Dev. Commissioner of the Planning & Coordination Department received the application on the **same day** and **endorsed the application to the APIO** and Deputy Dev. Commissioner, Planning & Coordination Department on the **same day**.

According to the PIO since the queries also pertained to other Departments like Art & Culture, Forests Department, GIS Cell and land

acquired by the Departments it took a lot of time to obtain all the details. In the meanwhile, APIO and Dy. Dev. Commissioner had fallen sick and later on had gone on training abroad. Hence, the PIO could furnish the information on the 5 queries to the applicant only on 15<sup>th</sup> May, 2012 after a lapse of the stipulated 30 days.

The Commission observes that the applicant on not receiving any information from the PIO filed an appeal before the ACS & Dev. Commissioner who is FAA of Planning & Coordination Department on 7.2.2012 by post. The ACS and Dev. Commissioner and FAA, Planning & Coordination Department when asked whether he received the appeal filed by the petitioner on 7.2.2012, stated that he had never seen the appeal letter filed on 7.2.2012 and that he came to know about the appeal filed only one hour before the hearing fixed by the Nagaland Information Commission on **29.5.2012.**

The Addl. Dev. Commissioner and PIO, Planning & Coordination deptt. clarified that he had received the original copy of the appeal filed by appellant by post on **7.2.2012** and received only on **9.2.2012** but instead of processing the file and putting up the same to the ACS & Dev. Commissioner & FAA, Planning & Coordination Department, he had endorsed the appeal letter to the Dy. Dev. Commissioner & APIO. This is borne out by the document furnished to the Commission and endorsements on the body of the appeal letter filed on 7.2.2012 addressed to the ACS & Dev. Commissioner & FAA, Planning & Coordination Department who stated that he had never come across the appeal letter filed on 7.2.2012. The Commission, therefore, finds that the ACS & Dev. Commissioner & FAA, Planning & Coordination Department cannot be held liable for any negligence or any inaction since by the admission of the Addl. Dev. Commissioner and PIO of Planning & Coordination Department and the documentary evidence furnished to the Commission that the letter of appeal never reached the ACS & Dev. Commissioner & FAA at any point of time before the hearing on 29.05.2012. This is a very serious lapse on the part of the Addl. Development Commissioner & PIO and also the Dy. Development Commissioner and APIO whose responsibility is to expeditiously process such matters on top priority as the FAA is also required to dispose the matter within a stipulated time frame. The Commission has taken a very serious view of the matter and records that repetition of such a serious lapse will in future attract severe penalty being imposed.

The Commission, however, observes that the Addl. Dev. Commissioner and PIO had forwarded the replies to the five (5) queries sought by the applicant on 15.5.2012 much after the appeal filed by appellant

on 7.2.2012. The grounds cited by the Addl. Dev. Commissioner & PIO for the delay in furnishing the replies to the five (5) queries may have some basis but the fact remains that the replies were not furnished within the stipulated time frame of thirty (30) days as provided in the RTI Act. Such delays if repeated in future will be viewed very seriously by the Commission and appropriate penalty imposed on the concerned PIO.

The petitioners stated that they have received the information to the five (5) queries sent by the Addl. Dev. Commissioner and PIO, Planning & Coordination Department on 15<sup>th</sup> May 2012 much after they filed the appeal to the FAA. They expressed dissatisfaction with the replies to the queries No. (ii) and (iii). Their contention is that on query No. (ii), the PIO has not furnished the **location** of the centre for Culture and Social Up-liftment, Kohima and also that **detailed expenditure** incurred for establishment of the centre has not been provided. As regard to query No. (iii), they expressed dissatisfaction with the reply since the PIO has not provided the **detailed cost** for establishment of Botanical Garden at Ruleizou. In reply to query No. (ii) and No.(iii), the PIO has only provided total expenditure incurred for both the projects.

Since the PIO has furnished replies to all five (5) queries even though some of the subject matters are not directly dealt with by the Planning & Coordination Department and had to be obtained from other Departments and efforts were made to furnish replies to all five (5) queries albeit with some amount of delay, the Commission does not deem it necessary to impose any penalty on the PIO concerned but he is **cautioned not to delay furnishing of the information in future beyond the stipulated time of 30 days.**

The Commission, however, very seriously views the lapse on the part of the PIO and the APIO in not putting up the appeal filed by the appellant to the FAA on 7.2.2012 which has resulted in the ACS & Dev. Commissioner & FAA not only being unaware of the appeal filed but also not being in a position to take action on the appeal within the **stipulated time.**

Considering the above facts of the case, the Commission hereby decides as follows:-

- (a) The ACS and Dev. Commissioner & FAA, Planning & Coordination Department shall initiate inquiry as to why the appeal letter filed by the appellant to him on 7.2.2012 was never brought to his notice nor put up to him for necessary action or decision and fix accountability.
- (b) The ACS and Dev. Commissioner & FAA, Planning & Coordination Department shall at the **earliest** fix a special

hearing of the concerned APIO, PIO, Appellant and any other officials or staff that he may deem necessary and after hearing from all concerned **pass a quasi judicial decision and furnish the same to the Commission by 13<sup>th</sup> June, 2012.**

- (c) The ACS and Dev. Commissioner & FAA, Planning & Coordination Department shall also direct the Addl. Dev. Commissioner and ACS & Dev. Commissioner, Planning & Coordination Dept. to furnish the additional information on query No. (ii) and No. (iii) which the appellant in his statement before the State Commission had pointed out were not furnished, namely, **location** and **detailed expenditure** for establishment of Centre for Culture & Social Upliftment at Kohima and **detailed cost for establishment** if Botanical Garden at Ruleizou, Kohima. Copy of the same may also be furnished to the Commission by 13<sup>th</sup> June, 2012.

Decision pronounced **today** the 29<sup>rd</sup> May, 2012 in the presence of all concerned.

Copies be given to:

1. Shri Alemtemshi Jamir, IAS, ACS & Dev. Commissioner & First Appellate Authority, Planning & Coordination Department, Nagaland, Kohima.
2. Mr Temsuwati, Addl. Dev. Commissioner & PIO, Planning & Coordination Department, Nagaland, Kohima.
3. Mr Kevi, Assembled Organization, C/o Advocate Chamber, NST Complex, 1<sup>st</sup> Floor, Kohima.

Sd/-

**Lalhuma IAS (Rtd)**

Chief Information Commissioner,  
Nagaland, Kohima

Sd/-

**Kevinino P.Meru**

State Information Commissioner,  
Nagaland, Kohima.

Authenticated by

Secretary  
Nagaland Information Commission