

NAGALAND INFORMATION COMMISSION
Old Secretariat Complex,
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Nagaland, Kohima - 797001.
Tel: 0370-2291798, Fax: 2291774, Website: www.nlsic.gov.in



No. NIC/Appeal-8/2012-13

Dated Kohima, the 29th May, 2013.

Subject: Notice for hearing on 12th June, 2013 (Wednesday) at 12:30 PM.

WHEREAS, under Section 19 of the Right to Information Act, 2005, the Nagaland Information Commission had received a Second Appeal dated 09/07/2012 from an appellant, Mr. Vitoshe Kinimi, Chairman, Diphupar Village Council, 4th Mile, Dimapur, wherein the appellant stated that there was no response of the Director & First Appellate Authority, SCERT, Nagaland, Kohima to his First Appeal dated 15.04.2012 and also from the PIO, Office of the Director, SCERT, Nagaland, Kohima to the applicant's RTI application dated 13.03.2012 submitted alongwith the prescribed fee of Rs. 10/- paid vide IPO No. 69E 928393 dated 12.03.2012.

AND WHEREAS, the Commission had, vide its directive letter of even No. dated **21.07.2012**, directed the Director & First Appellate Authority, SCERT, Nagaland, Kohima and the PIO, Office of the Director, SCERT, Nagaland, Kohima to furnish the information sought **within 2(two) weeks** time to the applicant from the date of receipt of the Commission's directive. And also to explain before this Commission why the Director & First Appellate Authority, SCERT, Nagaland, Kohima had not acted upon the First Appeal dated 15.04.2012 and the PIO, Office of the Director, SCERT, Nagaland, Kohima on the RTI application dated 13.03.2012.

AND WHEREAS, Shri. Vipralhou Kesiezie, Director, SCERT, Nagaland, Kohima had, vide letter No. SCERT/RTI/2010-2011/411 dated 07/08/2012 wrote to the Commission that the department did not receive any RTI applications addressed to the PIO, SCERT on 12.03.2012 and First Appeal to the FAA, SCERT on 15.04.2012 respectively. However, on receipt of the Commission's directive dated 21.07.2012, the necessary information has already been furnished to the applicant vide letter No. SCERT/RTI/2010-2011.

AND WHEREAS, the Commission had, vide its letter of even No. dated **17.08.2012**, directed the Director & FAA, SCERT, Nagaland, Kohima, that though the information was purportedly furnished late, to forward to the Commission a copy of the information furnished by the PIO, SCERT to the applicant(now appellant), and that since First and Second Appeals have been filed, the Commission need to keep records of such documents for future exigencies and to satisfy that the information seeker has been furnished the information as sought.

AND WHEREAS, on not receiving any response from the Director & FAA, SCERT, Nagaland, Kohima, the Commission had, vide its letter of even No. dated **22.11.2012**, directed once again to forward to the Commission, a copy of the information furnished by the PIO, SCERT to the above applicant(now appellant) **within two (2) weeks** from the date of receipt of the Commission's directive, as the Commission need to keep records of such documents for future exigencies and to satisfy that the information seeker has been furnished the information as sought.

AND WHEREAS, the applicant had submitted a complaint letter dated **05.11.2012**, stating that the information provided by the First Appellate Authority (FAA), SCERT, Kohima, vide letter No. SCERT/RTI/2010-11/412 dated 07.08.2012 was misleading in respect of query Nos. (a), (b), (c), (j) and (k) of his RTI application dated 12.03.2012. The applicant had also enclosed a copy of

the letter No. SCERT/RTI/2010-11/867 dated **09.01.2012** in which the information was furnished by Shri. Kegwalo Thyug, Research Associate & PIO, SCERT, Nagaland, Kohima.

AND WHEREAS, in compliance to the Commission's directive of even No. dated **22.11.2012**, the Director & FAA, SCERT, Nagaland, Kohima, had vide letter No. SCERT/RTI/2010-11/684 dated 27.11.2012 informed the Commission that a copy was already forwarded vide letter No. SCERT/RTI/2010-11/432 dated 27.08.2012.

AND WHEREAS, the Commission had, vide its letter of even No. dated **05.01.2013**, directed the First Appellate Authority to furnish the clarifications to the issues raised by the appellant on the above mentioned queries and under intimation to this Commission by **20.01.2013**.

AND WHEREAS, in compliance to the Commission's directive of even No. dated **05.01.2013**, the Director & FAA, SCERT, Nagaland, Kohima, had vide letter No. SCERT/RTI/2010-11/755 dated 18.01.2013, submitted the clarifications to the Commission.

AND WHEREAS, the applicant had submitted a complaint letter dated **04.02.2013** to the Commission that he had not received any response from the Director & First Appellate Authority, SCERT, Nagaland, Kohima, thus violating the directive of this Commission vide letter of even No. dated 05.01.2013.

AND WHEREAS, the Commission had, vide letter of even No. dated **13.02.2013**, informed the Director & First Appellate Authority, SCERT, Nagaland, Kohima, that though the clarifications to the issues raised by the appellant had been furnished as mentioned in his letter No. SCERT/RTI/2010-11/755 dated 18.01.2013, the Commission had received a complaint letter dated 04.02.2013 from the appellant, stating that he had not received any response, thus violating the directive of this Commission vide letter of even No. dated 05.01.2013.

AND WHEREAS, the Commission had observed that the Director & First Appellate Authority, SCERT, Nagaland, Kohima had furnished the clarifications to the issues raised by the appellant to the Commission **and not to the applicant(now appellant)**, and hence lacks understanding of the procedures and responsibilities of First Appellate Authority and had failed to understand the content of this Commission's directive vide letter of even No. dated 05.01.2013.

AND WHEREAS, the Commission had, vide letter of even No. dated **13.02.2013** directed the Director & First Appellate Authority, SCERT, Nagaland, Kohima to forward to the applicant(now appellant), a copy of the clarifications to the issues raised by the appellant **within two (2) weeks** from the date of receipt of the Commission's directive, under intimation to this Commission.

AND WHEREAS, the applicant had submitted a letter dated **17.04.2013** to the Commission that he had not received any response even after the Commission had issued directions vide letter of even No. dated 13.02.2013, and therefore re-appealed and prayed that the Commission may direct the Director & First Appellate Authority, SCERT, Nagaland, Kohima to furnish the information without causing further inconvenience and hardship to the appellant/public and also initiate punitive measures against the defaulting officer whose attitude of indifference is a contempt of the Commission.

AND WHEREAS, the Commission had, vide letter of even No. dated **23.04.2013**, directed the Director & First Appellate Authority, SCERT, Nagaland, Kohima to act on the Commission's directive dated 13.02.2013 **by 02.05.2013**, failing which the Commission shall undertake necessary action as deem fit under the RTI Act, 2005.

AND WHEREAS, there is no compliance to the Commission's directive nor any response from the Director & First Appellate Authority, SCERT, Nagaland, Kohima till date.

AND WHEREAS the Nagaland Information Commission has decided to hear the appeal, giving opportunity to the parties, on **12th June, 2013 (Wednesday) at 12:30 PM** in the **Hearing Room of the Nagaland Information Commission, Old Secretariat Complex, Kohima.**

NOW THEREFORE, it is notified that the following concerned are directed to appear before this Commission and **also to bring the files and relevant documents** in question for scrutiny, on the above date and time for hearing.

- i. Shri. Vipralhou Kesiezie, Director, SCERT, Nagaland, Kohima;
- ii. Shri. Kegwalo Thyug, Research Associate & PIO, SCERT, Nagaland, Kohima;
- iii. Mr. Vitoshe Kinimi, Chairman, Diphupar Village Council, 4th Mile, Dimapur.

(SOYIMNA AIER KOZA)
Secretary

Copy to:-

1. The P.P.S. to the Hon'ble Chief Information Commissioner, Nagaland Information Commission for kind information of the CIC.
2. The P.A to the State Information Commissioner(K), Nagaland Information Commission for kind information of the SIC.
3. The P.A to the State Information Commissioner(B), Nagaland Information Commission for kind information of the SIC.
4. Shri. Vipralhou Kesiezie, Director, SCERT, Nagaland, Kohima;
5. Shri. Kegwalo Thyug, Research Associate & PIO, SCERT, Nagaland, Kohima;
6. Mr. I. Vitoshe Kinimi, Chairman, Diphupar Village Council, 4th Mile Dimapur.
7. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
8. Office Copy.