

**NAGALAND INFORMATION COMMISSION**  
**Old Secretariat Complex,**  
**Post Box No. 148**  
**Nagaland, Kohima - 797001.**  
**Tel: 0370-2291595, Fax: 0370-2291774, Website: [www.nlsic.gov.in](http://www.nlsic.gov.in)**



No. NIC/Appeal-21/2013-14

Dated Kohima, the 21<sup>st</sup> April, 2014.

Appellant: Shri. Kiasinlak, Head GB, Ward No. 1, Near Christian English School, Jalukie Town, Mobile No. 9402448760.

Respondent: 1. The Director & FAA, Urban Development, Nagaland, Kohima.  
2. Dr. Toshimanen Ozukum, Additional Director, Municipal Affairs Cell, Urban Development, Nagaland, Kohima.  
3. Shri. T. Temjen Jamir, Deputy Director, NUIS & PIO, Directorate of Urban Development, Nagaland, Kohima.  
4. The Executive Engineer & PIO, Works Division, Directorate of Urban Development, Nagaland, Kohima.

Public Authority: Directorate of Urban Development, Nagaland, Kohima.

Date of hearing: 21.04.2014

Date of decision: 21.04.2014

Present:-

1. Shri Ken Kreditsu, Director & FAA, Urban Development, Nagaland, Kohima.
2. Dr. Toshimanen Ozukum, Additional Director, Municipal Affairs Cell, Urban Development, Nagaland, Kohima.
3. Shri. T. Temjen Jamir, Deputy Director, NUIS & PIO, Directorate of Urban Development, Nagaland, Kohima.
4. Shri Ketouzo Peseyie, Executive Engineer & PIO, Works Division, Directorate of Urban Development, Nagaland, Kohima.
5. Shri Inavi Choppy, SDO (UD) & APIO, Directorate of Urban Development, Nagaland, Kohima.
6. Shri Keneizezo, SDO (U.D), Engineering Wing, Directorate of Urban Development, Nagaland, Kohima.
7. Shri Zenyu Yase, JE (U.D), Engineering Wing, Directorate of Urban Development, Nagaland, Kohima.
8. Shri Elithung Lotha, S.I (U.D), Directorate of Urban Development, Nagaland, Kohima.

#### **Facts of the case**

The applicant, Kiasinlak, Head GB, Ward No. 1, Near Christian English School, Jalukie Town had submitted a RTI application dated **21.08.2013** addressed to the PIO, Office of the Municipal Affairs Cell, Urban Development, Nagaland, Kohima, along with an

application fee of Rs. 10/- in cash, seeking information about the latest action taken on the Detailed Project Report(DPR) which was submitted to the Office of the Municipal Affairs Cell, Urban Development, Nagaland, Kohima, referring to the letter No. UD/MAC/T-61/2012/58 dated 27.01.2012.

The above RTI application dated **21.08.2013** was received by the public authority vide Receipt No. 1088 dated **21.08.2013** as evidenced on the photocopy of the above RTI application.

In response to the above RTI application dated 21.08.2013, Dr. Toshimanen Ozukum, Additional Director, Municipal Affairs Cell, Urban Development, Nagaland, Kohima had, vide letter No. UD/MAC/T-12/RTI/2010/164 dated **06.09.2013** informed the applicant that since the preparation of the DPR was initiated by the Directorate of Urban Development, Nagaland, Kohima, and not by the Municipal Affairs Cell (MAC), he advised the applicant to contact the concerned person in the Directorate of Urban Development, Nagaland, Kohima.

In pursuance to the directive of the MAC, the applicant had submitted another RTI application dated **30.09.2013** to the PIO, Directorate of Urban Development, Nagaland, Kohima alongwith the prescribed fee of Rs. 10/-. The above RTI application dated 30.09.2013 was received by the public authority on 30.09.2013 as evidenced on the photocopy of the above RTI application.

In response to the RTI application dated 30.09.2013, Shri. T. Temjen Jamir, Deputy Director, NUIS & PIO, Directorate of Urban Development, Nagaland, Kohima had, vide letter No. UDD/NUIS-RTI-51/2011/3/740 dated 01.10.2013 informed the applicant that his RTI application dated NIL was not accompanied by the prescribed fee and hence incomplete. Further, the applicant was directed to pursue the matter with the Executive Engineer & PIO, Urban Development, Nagaland, Kohima by enclosing the application fee of Rs. 10/-.

In pursuance of the directive of the Deputy Director, NUIS & PIO, Directorate of Urban Development, Nagaland, Kohima, the applicant had submitted another RTI application dated **07.10.2013** to the Executive Engineer & PIO, Works Division, Directorate of Urban Development, Nagaland, Kohima alongwith the prescribed fee of Rs. 10/-.

On not getting any response to his RTI application dated 07.10.2013, the applicant had filed first appeal dated **09.12.2013** before the Director & FAA, Urban Development, Nagaland, Kohima and which was received by the public authority on 10.12.2013 as evidenced on the photocopy of the above first appeal.

On not getting any response from the Director & FAA, Urban Development, Nagaland, Kohima to his first appeal dated 09.12.2013, the applicant (now the appellant) had preferred second appeal dated **11.02.2014** before this Commission.

Since there was neither any response to his RTI application(s) nor to his subsequent first appeal dated 09.12.2013 from the Director & FAA, Urban Development, Nagaland, Kohima, the Commission admitted the 2<sup>nd</sup> appeal and decided to hear the appeal on **23<sup>rd</sup> April, 2014 (Wednesday) at 1:00 PM** in the **Hearing Room of the Nagaland Information Commission, Old Secretariat Complex, Kohima**. The date was advanced to **21.04.2014** as prayed for by the representatives of the Public Authority for compelling reasons.

## Observations and findings

The appellant had submitted a RTI application on 21.08.2013 to the Additional Director and PIO, MAC who received the application on the same day.

The applicant vide his application submitted on 21.08.2013 addressed to PIO of the MAC, UD Department of Nagaland had actually not sought any information **specifically** but had only wanted to know the latest action taken by the Additional Director and PIO, MAC, Nagaland to the letter No.UD/MAC/T-61/2012/58 dated 27.01.2012 addressed to the CEO/Administrator, Municipal and Town Council, Jalukie wherein he had asked the CEO and Administrator, Municipal and Town Council, Jalukie to identify **a small plot of land** in all the wards and submit the sketch map for preparation of DPR under CPF scheme. In other words, the application submitted by the applicant to the PIO was only seeking status report and preparation of DPR in response to letter No.UD/MAC/T-61/2012/58 dated 27.01.2012, issued by the Addl. Director and PIO, MAC, Urban Development. The Addl. Director & PIO, MAC **further confused matters** by his reply to the applicant vide letter No.UD/MAC/T-12/RTI/2010/164 dated 06.09.2013 wherein he informed the applicant that the **preparation of DPR has been initiated by the Directorate of Urban Development and not by the MAC**. He had even directed the applicant to contact the Director of Urban Development on the matter. All this while the Urban Development Department was in the dark about the letters written by Addl. Director & PIO, MAC to all ULBs' regarding selection of CPF schemes.

Because of this confusing reply furnished by Additional Director and PIO, MAC, Urban Development, the applicant filed another application on 30.09.2013 before the Deputy Director & PIO, Urban Development Department who received the RTI application on 30.09.13 and advised the applicant vide letter No.UDD/NUIS-13/740 dated 01.10.2013 to pursue the matter with Executive Engineer & PIO, Urban Development and also enclosing the application fee. On 07.10.2013 vide letter No.EE/UD/RTI/2011-12/156(1) Dated 29.10.13, E.E, Urban Development furnished a reply to the applicant simply stating that letter number referred by him NO.UD/MAC/T-61/2012/58 DATED 27.01.2012 **does not exist in his office and the name of the DPR which he is seeking is not mentioned**. This reply of the EE & PIO, Urban Development was **grossly inadequate** and **somewhat confused matters further**. However, this reply albeit, unsatisfactory, was reportedly received on behalf of the applicant as per the statement of JE, Urban Development in charge of Jalukie area who was present during hearing.

On 09.12.2013, the applicant in apparent frustration filed the first appeal before the Director & FAA, Urban Development. This first appeal letter was received by the APIO, Urban Development Department on **12.12.2012** and endorsed to the SI, Urban Development on the same day to take necessary action. The SI, Urban Development who was examined, mentioned that he had tried to contact the applicant to collect the reply furnished by EE & PIO, Urban Development issued on 29.10.2013. This first appeal was never processed nor put up to the Director & FAA, Urban Development who stated that he came to know about the first appeal filed before him only after receiving the notice for hearing from the Nagaland Information Commission on 23.04.2014 when he asked for all the records of the RTI case in question. This is a serious lapse on the part of the APIO and SI who according to the RTI Act are to be considered as **“deemed PIOs”** and liable to penalty under the RTI Act as much as designated PIOs since they received the 1<sup>st</sup> appeal but did not put up to Director & FAA, Urban Development Department.

While scrutinising the records furnished by the Urban Development Department, it is observed that with reference to the Addl. Director & PIO, MAC letter No.UD/MAC/T-61/2012/58 dated 27.01.2012, the SDO (Civil), Jalukie had already forwarded the list of 9 schemes and sketch map under CPF for Jalukie Town with the endorsement of the Addl. Director and PIO on the body of the letter wherein he asked EE to assign JEC to **do simple design of open market shed etc.**

The Commission observed that all these inconveniences faced by the appellant and the delays in furnishing the information or clarification sought by the applicant is attributable to the **confusion** created by the letter of the Addl. Director & PIO, MAC issued on 27.01.2012 and letter No.UD/MAC/T-12/RTI/2010/164 dated 06.09.2013.

### **Orders**

In view of the position, observations and findings, the Commission orders as under:-

- i) The actual status of preparation of Detailed Project Reports on 9 schemes forwarded by SDO (Civil), Jalukie under CPF to Addl. Director & PIO, MAC along with the copy of sketch map of various wards in Jalukie Town shall be furnished to the applicant by Addl. Director & PIO, MAC with a clear clarification on the present status of the identified scheme forwarded by SDO (Civil), Jalukie.
- ii) Secondly, the Commission directs that EE & PIO, Urban Development Department who furnished a very inadequate reply to the applicant vide letter No.EE/UD/RTI/2011-12/156(1) dated 29.10.2013 shall, in continuation of his letter under reference dated 28.10.13, issue a detailed status report on the whole issue which originated from Addl. Director & PIO, MAC letter of **27.01.12** and letter of **06.09.13** (which Urban Development Department was kept in the dark) to the appellant and to the NIC within 2 (two) weeks of the receipt of the order of the NIC. He shall also forward copies of the letter of SDO (Civil) Jalukie dated 09.12.2012 containing details of 9 (nine) schemes and sketch map to the applicant within 2 (two) weeks of the receipt of the Commission's orders.
- iii) Lastly, the Director and FAA, Urban Development Department shall initiate action to conduct an internal enquiry in the office of the Directorate to ascertain the circumstances for non processing and submission of the first appeal filed before the Director & FAA, Urban Development Department on 09.12.2013 and fix accountability and also initiate departmental action against the officers responsible for not putting up the first appeal to the Director & FAA, Urban Development Department. The enquiry report shall be furnished within 2 (Two) weeks of the receipt of the NIC's orders.

Decision pronounced in presence of all concerned on 21.04.2014. With these directions for strict compliance by all concerned, the case shall be declared closed.

Copy be given to the parties:

1. Shri Ken Kreditsu, Director & FAA, Urban Development, Nagaland, Kohima.
2. Dr. Toshimanen Ozukum, Additional Director, Municipal Affairs Cell, Urban Development, Nagaland, Kohima.

3. Shri. T. Temjen Jamir, Deputy Director, NUIS & PIO, Directorate of Urban Development, Nagaland, Kohima.
4. Shri Ketouzo Peseyie, Executive Engineer & PIO, Works Division, Directorate of Urban Development, Nagaland, Kohima.
5. Shri Inavi Chophy, SDO (UD) & APIO, Directorate of Urban Development, Nagaland, Kohima.
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7. Shri Zenyu Yase, JE (U.D), Engineering Wing, Directorate of Urban Development, Nagaland, Kohima.
8. Shri Elithung Lotha, S.I (U.D), Directorate of Urban Development, Nagaland, Kohima.
9. Shri. Kiasinlak, Head GB, Ward No. 1, Near Christian English School, Jalukie Town, who failed to attend the hearing on 21.04.2014.

**Sd/-**

**(Lalhuma) IAS (Rtd)**

Chief Information Commissioner,  
Nagaland, Kohima

**Sd/-**

**Kevinino P. Meru**

State Information Commissioner,  
Nagaland

Authenticated by

Secretary  
Nagaland Information Commission