

**NAGALAND INFORMATION COMMISSION
OLD SECRETARIAT COMPLEX,
POST BOX NO. 148
NAGALAND
KOHIMA – 797001**

No. NIC/Appeal-16/2008/

Dated Kohima, the 28th January, 2009

Appellant : **Shri Visheke,
Chairman, Adhoc Committee, SMC
Sugar Mill Village, Dimapur.**

**Respondent
Public Authority** : **Department of Industries and Commerce,
Nagaland. Office of the Director of
Industries, Kohima.**

Dates of Hearing - **4.12.2008
17.12.2008**

Date of Decision - **28.1.2009**

Present - **1. Shri Visheke
2. Er. Thekruneituo Kire,
PIO and Additional Director of Industries & Commerce
3. Er. G. Keppen Rengma, AA & Director of
Industries & Commerce.**

Facts

The Commission received an Appeal Under Section 19 (3) of the RTI Act,2005 dated 20.10.2008 from Shri Visheke, Sugar Mill Village, Dimapur stating that the PIO and Additional Director, Directorate of Industries and Commerce had on 7.10.2008 informed him that the information he had sought under RTI in connection with issue of Cheque No. 331998 Sl. Nos (ii) – In whose name the Cheque was issued and (iii) who received the Cheque could not be disclosed as it is under CBI investigation.

The first appeal of Shri Visheke received in the Commission dated 5.8.2008 was remanded to the First Appellate Authority, vide this Commission order of 24.9.2008. The first Appellate Authority had vide his order dated 3.10.2008 directed the PIO, Directorate of Industries and Commerce to furnish the informations sought by the appellant adhering to RTI Act,2005 and exemptions provided vide Section 8 (1) (b) (h) of the Act within 7 days. The PIO had on 7.10.2008 furnished 3 items of information sought, viz:

- (1) That the Cheque No. 331998 dated 23.4.2004 was issued by Shri Tsükjümyanger, the Cashier
- (2) That the Cheque was jointly signed by Er. G. Keppen Rengma, Director of Industries and Commerce and Er. Kahoto, Joint Director and DDO

- (3) That the Cheque was issued from the Accounts Branch, Directorate of Industries and Commerce, Kohima.

The PIO had informed that information sought vide Sl. No. (ii) & (iii) (Stated above by Appellant) could not be disclosed at that juncture as these were under CBI investigation.

The appellant requested the Commission 'to review the case for disposal of the appeal in complete disclosure', that is furnishing of the remaining informations sought.

The Commission decided to hear the second appeal and the first hearing was held on 4.12.2008 with both the parties present. Shri Visheke, appellant stated that he was satisfied with the informations furnished in reply to 3 of the items of informations sought but the remaining 2 items which were not disclosed should be furnished as these are on record held by the Department.

The PIO Shri T.Kire stated that after the direction given by First Appellate Authority on 3.10.2008, he had maintained that the information sought vide Sl. Nos (ii) & (iii) could not be disclosed, as informed earlier, as the matter was under CBI investigations and came under exemption vide Section 8 (1), Sub Section (h) of the RTI Act 2005. He, however informed that the information sought as to in whose name the Cheque was issued had become open knowledge and that the Cashier of the Department had not been able to furnish him the name of the recipient of the Cheque due to which he (PIO) was not in a position to furnish the name to the appellant. He had not taken recourse to provisions of Section 5 (5) of the RTI Act, 2005 to elicit the same from his other colleagues, i.e. Cashier. The PIO however, on being asked by the Commission if the Register/File records can be produced for inspection, replied that these could be produced if directed by the Commission.

In view of his submissions above, he requested that the Department may be given some time to re-examine the issue for further action according to provisions of the RTI Act. The Commission granted time of 10 working days and fixed the next hearing on 17.12.2008.

The Commission resumed the hearing on 17.12.2008 with both parties present. The PIO produced a copy of letter dated 16.12.2008 furnishing to the Appellant the remaining 2 items of information sought as follows.

1. "The Cheque was issued in the name of Shri Shihovi Sumi, the then Chairman Adhoc Committee, Seasonal Employees, NSMC, Dimapur"
2. "The Cheque was received by Shri Hokishe Assumi, the then Assistant Director who was the Officer-in-charge of the VRS payment during that period".

The Commission noted that all the 5 items of information sought by the appellant have been furnished by the PIO of the Respondent Public Authority.

Hence this appeal stands disposed.

Pronounced in open proceedings today.

The Parties be given copies of this decision.

Copies be given to

1. The Commissioner & Secretary, Industries and Commerce Department, Nagaland, Kohima.
2. The Director, Industries and Commerce, Nagaland, Kohima.

Sd/-

P. TALITEMJEN AO,IAS (Rtd)
Chief Information Commissioner,
Nagaland.

Sd/-

REV.DR. W. PONGSING KONYAK
State Information Commissioner,
Nagaland.

Sd/-

DR. KUHOI K. ZHIMOMI
State Information Commissioner,
Nagaland

Authenticated by me

Under Secretary
Nagaland Information Commission
Kohima