

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

No. NIC/Compln-17/2008

Dated Kohima, the 15th October, 2008

Appellant : Ms Rhondeno Ezung, Government
Primary Teacher Wokha District
C/o Shri Shanjanthung (Typist)
Directorate of State Lotteries,
Nagaland, Kohima.

Respondent : Department of School Education
Public Authority : Government of Nagaland
Office of the Deputy Inspector of
Schools, Wokha, Nagaland.

DATE OF HEARING - 10.09.2008

DATE OF DECISION - 15.10.2008

**Present - Ms. Rhondeno Ezung
Mr. Tsenimo Lotha PIO and Deputy Inspector of Schools, Wokha.**

FACTS

Ms. Rhondeno Ezung, Government Primary Teacher Wokha submitted an Appeal under section 19 of RTI Act to the Commission on 28.7.2008 stating that she had submitted an RTI Application to the PIO, Office of the Deputy Inspector of Schools, Wokha on 3.6.2008 requesting for 3 items of information

- (a) Why salary has not been paid to the petitioner.
- (b) Status of the petitioner with regard to her employment.
- (c) Total salary amount sanctioned against the said post till date held by the petitioner.

but that till 28.7.2008, the PIO has not provided the information sought. The commission treated the same as complaint under Section 18 (c) of the RTI Act 2005.

Complainant Ms. Rhondeno Ezung and the respondent PIO Shri Tsenimo Lotha, Deputy Inspector of School, Wokha appeared in the hearing held on 10.9.2008. Shri Tsenimo Lotha PIO & DIS Wokha apologized for his failure to appear as directed before the Commission on 3.9.2008 citing reason that he was busy with pay disbursement and works relating to Teacher's Day Celebration, but overlooked to inform the Commission. He submitted that the applicant had come to him for the information sought and that he had – (i) advised her to approach the

Director, School Education who is the appointing Authority (ii) he addressed a letter dated 9.9.2008 to Commission informing that Ms. Rhondeno's service extension has been terminated as per Director of School Education order of 14.7.2004 and requested the Commission to direct her to approach higher authority for the information (iii) he also stated that he tried to collect the information sought and thought that the information would be given after that.

Ms. Rhondeno stated that she had personally approached the PIO & Deputy Inspector of Schools, Wokha a day before the expiry of 30 days time under RTI for the information sought in RTI application of 3.6.2008, during which the PIO asked for photocopy of the said application of 3.6.2008, as reportedly he had not received the same. She was then advised to come after 15 days but on approaching him after 15 days the PIO had no information and said that he had nothing more to say.

The PIO, on being questioned on this, affirmed that the applicant had come to him before and after submitting the application of 3.6.2008, that the RTI application of 3.6.2008 was received by his Sub Inspector of Schools Mr. Supenthang, that he had not received the original application of 3.6.2008 nor did he remember receiving the same.

The Commission observe that such administrative matters contained in the Deputy Inspector of Schools, Wokha letter dated 9.9.2008 to the Commission are Departmental matters and the present issue before the Commission is furnishing of precise information sought vide RTI application dated 3.6.2008 submitted to the PIO, which is yet to be furnished to the applicant, hence this inquiry under Section 18 (c) of the Act.

The RTI application of Ms. Rhondeno Ezung was submitted and received on 3.6.2008 by the Office of the Deputy Inspector of School & PIO Wokha and the 30 days prescribed time for the PIO expired on 3.7.2008. Till date 15.10.2008 the information sought has not been furnished. Hence there is a delay of 103 days from 4.7.2008 to 14.10.2008.

The Commission finds that the statement of the PIO has no consistency and that the information sought has not been furnished till date.

Under Section 20 of the RTI Act 2005 a penalty of Rs. 250/- per each day of delay is to be imposed on the PIO for failure to furnish the information sought without reasonable cause, subject to a maximum of Rs. 25,000.00.

Shri Tsenimo Lotha, PIO and Deputy Inspector of Schools, Wokha is therefore directed to show cause as to why he should not pay penalty at the rate of Rs. 250/- per each day of delay in furnishing the information from 4.7.2008 to 14.10.2008 subject to maximum of Rs. 25,000.00 within 10 working days from the date of issue of this decision.

The Commission also find that the PIO is not at all conversant or has knowledge about the provisions of the RTI Act 2005. It appears that his office is also not at all sensitised nor the mechanism to deal with RTI Application set up. Hence the PIO and DIS Wokha is directed to sensitise and gear up mechanism to deal with RTI application in his office and report within 10 days to the Commission. The information sought by the applicant vide RTI application of 3.6.2008 should be furnished to the applicant within 10 working days from the date issue of this decision.

Decision pronounced in open proceedings today 15.10.2008.

Copies of this be given to parties.

Copies be given to

1. Additional Chief Secretary, School Education, Nagaland, Kohima.
2. Director, School Education, 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

(**ADINO**)
Sr. P.S. to Chief Information Commissioner,
Nagaland.