

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

No. NIC/Appeal-25/2008

Dated Kohima, the 13<sup>th</sup> May , 2009

Appellant : Shri Y. Ekyimo Kikon,  
Bayavü Hill. Kohima C/o Nribeni Kikon,  
Directorate of Employment Department,  
Kohima, Nagaland.

Respondent : Department of Rural Development  
Public Authority : Office of the District Programme Co-  
ordinator And Project Director DRDA,  
Wokha, Nagaland.

Date of Hearing - 2.4.2009  
Date of Decision - 13.5.2009

Present - 1. Shri Y. Ekyimo Kikon, appellant.  
2. Shri Tsükjem Allinger, PIO and DPC and PD DRDA, Wokha.

### **Facts**

Shri Y. Ekyimo Kikon submitted a complaint dated 18.3.2009 to the Commission stating that the Appellate Authority, Rural Development Department had vide his decision dated 5.3.2009 directed the PIO and PD DRDA Wokha to furnish the information sought in 10 days i.e. by 15.3.2009, but that he had not received the information till after the expiry of the date line nor was he given a copy of the hearing order of 5.3.2009. He requested the Commission to intervene.

The Commission decided to hear the appeal and inquire into the complaint. Hearing was held on 2.4.2009 during which the appellant Shri Y. Ekyimo Kikon, Shri Tsükjem Allinger PIO and PD DRDA, Wokha and Shri Metsübo Jamir Appellate Authority and Director, Rural Development Department were present.

Shri Y. Ekyimo Kikon stated that after he attended the hearing by the Commission on 25.2.2009, he was under the impression that he need not attend the hearing by the First Appellate Authority on 5.3.2009, but he attended during which the First Appellate Authority had pronounced that the remaining information sought should be furnished by the PIO and PD DRDA Wokha within 10 days. He had only received the notice for the hearing of 5.3.2009 but had not received the decision order of 5.3.2009.

Shri Metsübo Jamir, First Appellate Authority and Director, Rural Department informed that after discussion about the time to be given to PIO to furnish the remaining information sought, he had pronounced the time to be 2 (Two) Weeks i.e. within 20.3.2009 which was issued in the decision order. He also informed that the decision copy was taken by the Office Peon but the addressee was not available hence it was sent to the address given in the application.

Shri Tsükjem Allinger PIO & PD and DRDA Wokha submitted that the main reason for not furnishing the full information within the time prescribed by the First Appellate Authority or even after 2 Months after the information sought became overdue was due to non submission of the same by the BDO, Sanis. He had written to BDO Sanis for the information on 3.11.2008, part only of which was given on 17.11.2008 which was furnished to the applicant on 19.11.2008. He thought that the same was full information sought but the applicant was not satisfied.

He stated that all the remaining informations sought have been prepared as directed by the First Appellate Authority on 5.3.2009, along with estimated cost of the materials, which were sent to the appellant on 19.11.2009, but the appellant had declined to accept the same saying that the time prescribed by the First Appellate Authority was over.

The Commission, on statement by the PIO that the full information was available directed that the same can be furnished on the day of hearing observing provisions of the RTI Act, 2005 regarding payment of cost of materials.

The Commission observe as follows:

The information sought or any correspondence addressed to the applicant/appellant is to be given at the address given in the application/appeal. If there is any subsequent change of address, the applicant/appellant should intimate the same to the PIO/AA/Commission as the case may be. A copy of the decision order of First Appellate Authority dated 5.3.2009 was also received by the Commission on 12.3.2009 in which among others, it was directed that the informations listed should be furnished within 20.3.2009.

The PIO had sent the information to the appellant on 19.3.2009 which was declined by the appellant on the plea that time prescribed (15.3.2009) was over. There is no provision for refusing information sought but penalty provision for delay beyond period prescribed in the RTI Act, 2005. If the applicant declines to accept it is his/her own discretion. In this case the time prescribed by First Appellate Authority in his decision on 5.3.2009 is within 20.3.2009.

The Commission is constrained to observe that there has been no application of mind nor attentive adherence to the provisions of the RTI Act, 2005 by the PIO and Officials of the Department in attending to the RTI application of 20.10.2008 nor disposal of the appeal dated 19.12.2008 by the First Appellate Authority. The PIO had simply forwarded the reply given by BDO Sanis by way of furnishing information

sought to the applicant on 19.11.2008, without seeing to it that the information furnished were as sought and complete. In his statement to the Commission on 2.4.2009, he said that he thought that the information given on 19.11.2008 was the full information, which during the hearing conducted by First Appellate Authority on 5.3.2009 was proved otherwise.

The Commission find that many Officials of the Department are not well conversant with the provisions of the RTI Act, 2005 in attending to RTI applications, though it has also been brought to the notice of the Commission that the Department had made sincere efforts to implement the RTI Act, 2005 in the Department.

The Commission therefore direct the Administrative Head of the Rural Development Department, i.e. the Commissioner and Secretary to issue directives to the Offices and Establishments under the Department to gear up the mechanism and sensitise the officers, in particular the PIOs to attend to and dispose of RTI applications, according to provisions of the RTI Act, 2005 and intimate the same to the Commission within a period of 1 (one) month from the date of issue of this decision.

The appeal is disposed off accordingly.

Pronounced in open proceedings today

Copies be given to the Parties.

Copy be sent to

1. The Commissioner & Secretary, Rural Development Department, Nagaland, Kohima.
2. The Director, Rural Development, 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