

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

No. NIC/Compln-61/2011/

Dated Kohima, the 23<sup>rd</sup> February, 2011.

Complainant : Ms. Vesolu Luroo, Research Associate DICE  
Foundation, Near Videographic Center,  
Ao Church Road Kohima- 797001, Nagaland,  
Email asone.luroo@yahoo.com  
Ph. No. 9615848815.

Respondent : Department of School Education,  
Public Authority : Nagaland, Office of the Directorate of  
School Education ,Nagaland, Kohima.

Date of Decision - 2.2.2011

Date of Decision on reply to show cause- 23.2.2011

Present -

1. Shri . Zaputuo, PIO & Deputy Director, Directorate of School Education Nagaland, Kohima.
2. Shri. Thejao Vihienuo, Mission Director/ RMSA Nagaland, Kohima.
3. Shri N. Khevito Sema, Director, School Education, Nagaland, Kohima.
4. Ms. Vesolu Luroo, Research Associate DICE Foundation, Near Videographic Center, Ao Church Road Kohima- 797001, Nagaland,

The Commission in its decision of 2.2.2011 had directed Shri. Zaputuo, PIO and Deputy Director, School Education, Nagaland Kohima to show cause as to why he should not pay penalty under section 20 of the RTI Act 2005 @ Rs.250.00 for each day of delay in furnishing information sought for 45 days subject to a maximum of Rs. 25,000.00 within 10 days.

Shri. Zaputuo in his reply to the show case dated 11.2.2011, submitted that the RTI application which he received on 29.10.2010 was transferred to the PIO, Mission Director, RMSA on 3.11.2010 with a view that the PIO of RMSA will reply to her as the information sought pertained to RMSA. He stated that only on 22.12.2010 the State Mission Director, RMSA Shri. Thejao Vihienuo sent back the replies to the queries sought

by Ms. Vesolu Luruo to the PIO, Directorate of School Education, which was made ready on 22.12.2010 with a covering note from him, entered on the same day in the Peon book, for her to collect.

He contented that information was ready since 22.12.2010 but the applicant failed to collect the same from the Department hence it is not the fault of the PIO nor the Department, as on several occasions the peon sent to deliver the information in her given address failed to deliver the same as her office was closed and she could not never be contacted in the contact mobile phone number, both which she stated to the Commission on 14.1.2011.

He submitted that the PIO of the Directorate of School Education is not at fault and should not be liable for any penalty. He also stated that Ms. Vesolu Luruo should be penalized for giving wrong statement to the Commission as in no way she has been barred from meeting the PIO of School Education Directorate.

The Commission has already recorded the statements and given observations and concerns in its decision of 2.2.2011.

The Commission observe on the reply to show cause as follows.

The RTI application of 28.10.2010 was transferred on 3.11.2010 to 'PIO' of RMSA/ Mission Director under Section 6 (3) of the RTI Act 2005. There is no PIO designated in the RMSA. Neither the then PIO Shri. Zaputuo check on this position in the Department nor Mission Director RMSA Shri. Thejao Vihienuo provide the materials/ information to the PIO of School Education Directorate in time, though he stated that he clarified the position with Secretary Education. It was left to the RTI Cells of School Education and RMSA, who do appear to have apprised the PIO and the RMSA Mission Director, keeping in view the provisions of RTI Act regarding the prescribed time limit for furnishing information.

The Complainant Ms. Vesolu Luruo had in her complaint to the Commission dated 7.12.2010 and during hearing on 14.1.2011 stated that when the information sought was not furnished to her within the prescribed 30 days ( i.e. by 27.11.2010) she had inquired in the RTI Cell of School Education Directorate, then in the RMSA and then in the RTI Cell of the School Education, that when she inquired in the RTI Cell, they did not allow her to meet the PIO. Shri. Zaputuo had stated that he did not know whether she, Ms. Vesolu, contacted the office at any time.

Keeping the information ready since 22.12.2010, cannot be considered as furnishing the information sought, which was already overdue since 28.11.2010. During the hearing on 14.1.2011, Ms. Vesolu Luruo stated that it was not established at the time of submitting application on 28.10.2010, as to whether the information should be sent to the applicant or she would collect personally. The PIO or his office should have established that understanding. As a result there was much communication gap and delay in furnishing information.

The information sought was made available on 12.1.2011, after the Commission had given notice for hearing on 12.1.2011. The Contention that when the applicant failed to collect the information from the Department, it is not the fault of the PIO nor the Department in this case is not convincing.

The Commission find that the delay was caused mainly due to casual approach and casual handling of the RTI application by the concerned officials of the Department. The then PIO Shri. Zaputuo and Shri. Thejao Vihienuo Director RMSA had both contributed to the delay in not attending to the RTI application with due attention and not furnishing the information as required under the RTI Act 2005.

The officials of the RTI Cell in the Directorate of School Education and in the RMSA had contributed to the delay to a great extent.

Hence, before proceeding further, the Commission direct

1. Shri. Zaputuo, the PIO and Deputy Director, School Education Directorate, Nagaland, Kohima.
2. Shri. Thejao Vihienuo, Mission Director RMSA.

to inquire in their respective RTI Cells and fix responsibility on each of the concerned official at the RTI Cell of School Education Directorate and RMSA who had contributed to the delay of his or her level in providing the information sought.

Shri Zaputuo and Shri. Thejao Vihienuo should separately submit their reports to the Commission within 7 days from the date of pronouncement of this decision.

Pronounced in open proceedings today.

Copy be given to the parties.

Copy be sent to:

1. Commissioner & Secretary, School Education Department, 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

Deputy Secretary  
Nagaland Information Commission  
Kohima

