

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

No. NIC/Compln-61/2010/

Dated Kohima, the 2nd 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, Nagaland, Office of the Director, School Education ,Nagaland, Kohima.

Public Authority

Date of Hearing - 14.1.2011

Date of Decision - 2.2.2011

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

Facts.

The Commission received a complaint under section 18 (I) (c) of RTI Act 2005 from Ms. Vesolu Luroo, Research Associate, DICE Foundation, Kohima on 7.12.2010 stating that she had submitted an RTI application on 28.10.2010 addressed to the Public Information Officer, Directorate of School Education, Kohima seeking information, regarding RMSA Project implementation in Nagaland. Not getting the information sought within the prescribed 30 days, she inquired in the RTI Cell who informed her that her RTI application was transferred to RMSA, but the information was not provided by the RMSA to the PIO of School Education, whereas on query RMSA had informed her that information had been sent to School Education Department. On not getting the information sought from the PIO, she was submitting complaint to the Commission.

The Commission scheduled a hearing on 12.1.2011, but the PIOs of the School Education Directorate and Mission Director, RMSA failed to be present. Hearing was refixed and held on 14.1.2011.

The Complainant Ms. Vesolu Luroo, PIO, Directorate of School Education Shri. Zaputuo, Mission Director RMSA Shri. Thejao Vihienuo were present.

Ms. Vesolu Luroo, Complainant stated that she had received the information sought on 12.1.2011, after the Commission hearing was postponed to 14.1.2011. She stated that she submitted her RTI application to the PIO on 28.10.2010, on not getting the information within the prescribed 30 days, she inquired in the RTI Cell but one Mr Shilu told her that the matter was referred to RMSA but the information had not come from them hence she approached the

RMSA who informed her that they had sent the same to Education Department. She stated that while submitting RTI application on 28.10.2010 it was not settled as to whether she would collect the information sought or it would be sent to her, that she was also unable to meet the PIO, of the Education Directorate to inquire about the same.

The PIO, Shri Zaputuo stated that the RTI application was received on 28.10. 2010 and since RMSA is a Mission which is a separate wing under the Department of School Education, he transferred the application under section 6 (3) of the RTI Act 2005 to the PIO, Mission Director/ RMSA, Kohima on 3.11.2010 with information to the applicant. He received the information from the RMSA on 21.12.2010 which was kept ready since 22.12.2010 but the applicant had not come to collect the same till 14.1.2011. She had given her contact No. Mobile- 9615848815 on which they could never contact her. He does not know whether she contacted the office at any time. He submitted that when the case is a transfer under section 6 (3) he felt that the RMSA should furnish the information direct to the applicant.

The Mission Director RMSA Shri. Thejao Vihienuo stated that till date no PIO has been designated in the RMSA by the Government. He received the RTI application on transfer from the PIO, Education Directorate on 4.11.2010, but as he was not the PIO, he discussed the matter with Secretary Education Shri Bendangkokba who advised him to provide the information to the PIO of School Education Directorate. Accordingly he sent the information to the PIO, School Education Directorate on 3.12.2010, which was sent back to him on 8.12.2010 as the same were not complete. It Was put up to him in file on 20.12.2010, and provided to the PIO, School Education Directorate on 21.12.2010 with all the requisite information.

He submitted that he had not received the notice issued by the Commission on 6.1.2011 for attending hearing on 12.1.2011 till date. He only received the Commission summon issued on 12.1.2011.

The Commission observe that the RTI Application was received on 28.10.2010 which Shri. Zaputuo, PIO, transferred under section 6 (3) (c) on 3.11.2010 to the PIO, Mission Director RMSA, Kohima, **whereas there was no PIO designated in the RMSA.** Having received the RTI application by transfer on 4.11.2010, the Mission Director RMSA provided the information to the PIO, School Education Directorate on 3.12.2010 only, which was sent back to him on 8.12.2010 and **only on 21.12.2010 the complete information was provided to the PIO of School Education Directorate which was furnished to the applicant on 12.1.2011,** after the Commission issued notice for hearing the complaint. The applicant stated that she had inquired for the information sought in the RTI Cell of School Education Directorate and RMSA on more than one occasion, was not able to meet the PIO, whereas the PIO, School Education Directorate had stated that he is not aware whether the applicant had contacted the office any time.

The Commission is constrained to note that the statements indicate lack of Coordination, absence of application of mind and failure to adhere to the provisions of the RTI Act 2005 in dealing with this RTI application on the part of the concerned officials of the School Education Directorate and RMSA. On perusal of the Dak Book of the Commission, it shows that the Commission notice of 6.1.2011 fixing hearing on 12.1.2011 was received in the Directorate of School Education on 7.1.2011, which signature was identified by both Shri Zaputuo and Shri Thejao Vihienuo on 14.1.2011, as that of Additional Director (HoD) Shi K. Zhimomi. The notice was given to one officer on 12.1.2011 few minutes before the adjourned hearing, but notice addressed to Mission Director RMSA had not been received by Shri Thejao Vihienuo till 14.1.2011. **The HoD of the School Education Directorate had displayed irresponsibility in dealing with important and time bound RTI matters.**

The Commission find that there has been a delay of 45 days in furnishing the information sought to the applicant i.e. 28.11.2010 to 11.1.2011, as the prescribed 30 days expired on 27.11.2010.

As per section 20 of the RTI Act 2005, a penalty at the rate of Rs. 250/- per each day of delay in furnishing information sought is imposable on the PIO subject to maximum of Rs. 25,000.00.

DECISION

The Commission therefore direct the PIO, Directorate of School Education Shri. Zaputuo to show cause as to why he should not pay penalty, under section 20 of the RTI Act 2005, @ Rs. 250/- for each day of delay in furnishing information for 45 days i.e. from 28.11.2010- 11.1.2011 subject to maximum of 25.000.00 within 10 days from the date of pronouncement of this decision.

The Commission direct the Commissioner and Secretary, School Education Nagaland to decide and issue necessary order as to whether the RMSA should have a designated PIO or the PIO of School Education Directorate should cover the RMSA and also streamline the working in the Directorate to handle RTI applications according to provisions of the RTI Act 2005, under intimation to the Commission.

Pronounced in open proceeding 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