

**NAGALAND INFORMATION COMMISSION**

**Old Secretariat Complex,**

**Post Box No. 148**

**Nagaland, Kohima - 797001.**

**Tel: 0370-2291041, Fax: 0370-2291774, Website: [www.nlsic.gov.in](http://www.nlsic.gov.in)**



No. NIC/Complaint-8/2015-16

Dated Kohima, the 29<sup>th</sup> February, 2016.

Complainant : Shri. Nungoi Chizo,  
Suthotsü Village,  
Mobile No. 9436408594, 8415832190,.

Respondent(s) : The concerned PIO,  
Directorate of Veterinary & Animal Husbandry  
Nagaland, Kohima.

Public Authority : Directorate of Veterinary & Animal Husbandry  
Nagaland, Kohima.

Date of hearing : 18.02.2016 at 3:00 PM.  
Date of Decision : 29.02.2016.

Present:

- i. Dr. Myingthungo Shitiri, Joint Director of Veterinary (Plg), Directorate of Veterinary & Animal Husbandry, Nagaland, Kohima.
- ii. Dr. Achila Ao, Deputy Director of Veterinary & APIO, Directorate of Veterinary & Animal Husbandry, Nagaland, Kohima.
- iii. The applicant (now complainant), Nungoi Chizo, Suthotsü Village, Mobile No. 9436408594, 8415832190.

The concerned PIO, Directorate of Veterinary & Animal Husbandry, Nagaland, Kohima **did not appear** for the hearing.

**FACT OF THE CASE**

An applicant, Nungoi Chizo, Suthotsü Village, Mobile No. 9436408594, 8415832190, had earlier submitted an RTI application dated **16.12.2015** addressed to the PIO, Directorate of Veterinary & Animal Husbandry, Nagaland, Kohima seeking information relating to supply of concentrated feeds and additives during 2013-14 with the following details:-

1. *How much amount have been sanctioned as per the Supply Order issued to the Supplier on “Supply of concentrated feeds and additives during 2013-14”?*
2. *Whether any amount have been diverted from the same Supply Order to any other project?*
3. *If so, the place and the name of the Project be furnished in detail.*
4. *How much amount have been diverted and the reason why?*
5. *Whether the total supply order amount have been paid to the Supplier.*
6. *If not, how much amount have been released to the Supplier so far.*

The above RTI application was received by the PIO, Directorate of Veterinary & Animal Husbandry, Nagaland, Kohima vide Sl. No. 79 dated 16.12.2015 as evidenced on the receipt enclosed by the applicant. However, it is not known whether the RTI application fee of Rs. 10 (Rupees ten only) was actually paid by the applicant since there was no proof of payment or such receipt or acknowledgement whatsoever.

On not getting any response to his RTI application dated 16.12.2015 from the PIO, Directorate of Veterinary & Animal Husbandry, Nagaland, Kohima within the stipulated time limit of 30 days, the applicant had submitted a letter dated 16.01.2016 addressed to the Commissioner & Secretary, Department of Veterinary & Animal Husbandry, Nagaland, Kohima requesting for his intervention within 15 days from the date of his letter.

Further, on not getting any response to his letter dated 16.01.2016 addressed to the Commissioner & Secretary, Department of Veterinary & Animal Husbandry, Nagaland, Kohima which was submitted against the non-response to his RTI application dated 16.12.2015 by the PIO, Directorate of Veterinary & Animal Husbandry, Nagaland, Kohima, the applicant had preferred a complaint dated 04.02.2016 before this Commission.

The Commission decided to hear the complaint, giving opportunity to the parties on **18<sup>th</sup> February, 2016 (Thursday) at 3:00 PM** in the **Hearing Room of the Nagaland Information Commission, Old Secretariat Complex, Kohima.**

### **OBSERVATIONS AND FINDINGS:**

The concerned PIO did not appear for the hearing and there was no official information or letter regarding his absence. The Commission had viewed the absence of the PIO seriously without any intimation or reason to the Commission. Dr. Achila Ao, Deputy Director of Veterinary & APIO, Directorate of Veterinary & Animal Husbandry, Nagaland, Kohima informed the Commission that since the concerned PIO could not appear for the hearing as he had to attend a meeting in the Secretariat, she had represented the PIO.

On being inquired by the Commission as to whether the applicant had paid the RTI application fee of Rs. 10 (Rupees ten only) since there was no proof of payment or receipt or acknowledgement, the applicant submitted that he had paid the application fee.

On the inquiry by the Commission as to whether there was any response to his letter dated 16.01.2016 from the Commissioner & Secretary, Department of Veterinary & Animal Husbandry, Nagaland, Kohima which was submitted against the non-response to his RTI application dated 16.12.2015 requesting for intervention within 15 days from the date of his letter, the applicant and the APIO submitted that there was no such response. The Commission observed that since the RTI application was filed before the PIO of the Directorate, the applicant should not have written to the Secretariat but should have preferred a first appeal before the Director & FAA. However, since the applicant had approached the Commission, the Commission had taken up the case as a complaint and not as an appeal. The Commission further advised the applicant that in future, he should file first appeal before the First Appellate Authority i.e. the Director instead of in the Secretariat.

Dr. Myingthungo Shitiri, Joint Director of Veterinary (Planning), Directorate of Veterinary & Animal Husbandry, Nagaland, Kohima who is presently incharge of the Sector submitted that on transfer to the Directorate in June 2015, he was given the charge of the Sector, however, the files pertaining to the Sector were just recently handed over to him. Further, on receipt of the RTI application which was transferred to him he had, on several occasions briefed the Director who dealt with the Sector earlier, however, there was no concrete or positive response. Dr. Achila Ao, Deputy Director of Veterinary & APIO, also submitted ignorance of the details of the information since she does not deal with the matter or sector. However, a reply to the RTI application was produced before the Commission during the hearing and with a copy to the applicant (now complainant).

The Commission observed that the delay in furnishing the information to the applicant was caused due to the verbal correspondences between the Joint Director and the Director.

### **DECISION:**

On the above observations and findings, the Commission decided that:-

1. since the concerned PIO, Directorate of Veterinary & Animal Husbandry, Nagaland, Kohima did not appear for the hearing without any intimation or reason to the Commission, he shall submit a photocopy of the notice of the meeting which he attended in the Secretariat on the same day of the hearing.
2. since the information was handed to the applicant (now complainant) during the hearing, the applicant (now complainant) shall submit his views in the next hearing.
3. and since the Joint Director who is presently the incharge of the Sector asserted that on receipt of the RTI application transferred to him from the PIO for collection of the

information, he had drawn the attention of the Director on several occasions, however, there was no positive response. Therefore, in order to give an opportunity of being heard to the Director, the Commission directed that the Director also appear before Commission in the next hearing.

The next hearing is fixed on **11<sup>th</sup> March, 2016 (Friday) at 12:00 PM.**

Decision pronounced in presence of all parties present on 18.02.2016.

Copy be given to:-

1. The Director, Directorate of Veterinary & Animal Husbandry, Nagaland, Kohima.
2. The concerned PIO, Directorate of Veterinary & Animal Husbandry, Nagaland, Kohima.
3. Dr. Myingthungo Shitiri, Joint Director of Veterinary (Plg), Directorate of Veterinary & Animal Husbandry, Nagaland, Kohima, Mobile No. 9436600458.
4. Dr. Achila Ao, Deputy Director of Veterinary & APIO, Directorate of Veterinary & Animal Husbandry, Nagaland, Kohima, Mobile No. 9615150689.
5. The applicant (now complainant), Nungoi Chizo, Suthotsü Village, Mobile No. 9436408594, 8415832190.
6. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
7. Office Copy.

**Sd/-**

**BUKCHEM PHOM**

Chief Information Commissioner

Authenticated true copy:-

**(WORHONTHUNG EZUNG)**

Secretary