

NAGALAND INFORMATION COMMISSION
Old Secretariat Complex,
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Nagaland, Kohima - 797001.
Tel: 0370-2291041, Fax: 0370-2291774, Website: www.nlsic.gov.in



No. NIC/Complaint-8/2015-16

Dated Kohima, the 6th May, 2016.

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

Respondent(s) : Dr. Viral Yore,
Additional Director & 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.

Date of second hearing : 11.03.2016 at 12:00 PM.
Date of second Decision : 18.03.2016.

Date of third hearing : 19.04.2016 at 12:00 PM.
Date of third Decision : 06.05.2016.

Present:

- i. Dr. R. T. Ezung, Director & FAA, Veterinary & Animal Husbandry, Nagaland, Kohima, Mobile No. 9436001535.
- ii. Dr. Viral Yore, Additional Director & PIO, Veterinary & Animal Husbandry, Nagaland, Kohima, Mobile No. 9436604994.
- iii. Dr. Myingthungo Shitiri, Joint Director of Veterinary (Planning), Directorate of Veterinary & Animal Husbandry, Nagaland, Kohima, Mobile No. 8413842725.
- iv. Dr. (Ms.) Achila Ao, Deputy Director of Veterinary & APIO, Directorate of Veterinary & Animal Husbandry, Nagaland, Kohima, Mobile No. 9615150689.

The applicant (now complainant), Nungoi Chizo, Suthotsü Village, Mobile No. 9436408594, 8415832190 had earlier submitted a withdrawal letter and had not appeared for the hearing.

FACT OF THE CASE

The Commission had, on 11.03.2016 at 12:00 PM. heard the complaint dated 04.02.2016, submitted by Shri. Nungoi Chizo, Suthotsü Village, Mobile No. 9436408594, 8415832190 against the non response to his RTI application dated 16.12.2015 from the PIO, Directorate of Veterinary & Animal Husbandry, Nagaland, Kohima.

And after hearing the parties on 11.03.2016 at 12:00 PM, the Commission had passed an interim decision vide even No. dated **18.03.2016** wherein the Commission had decided to hear the previous and present officers incharge of the Sector in the next hearing which would be notified later.

And as decided in the last hearing on 11.03.2016 at 12:00 PM, the Commission had, vide notice of even No. dated 30.03.2016 notified to hear the parties **on 19th April, 2016 (Tuesday) at 12:00 PM** in the Hearing Room of the Nagaland Information Commission and also to **bring the files and relevant documents** in question for scrutiny, on the above date and time for hearing.

OBSERVATIONS AND FINDINGS:

The applicant(now complainant) did not appear for the hearing.

Dr. R. T. Ezung, the present Director & FAA, Veterinary & Animal Husbandry, Nagaland, Kohima had appeared for the hearing. He admitted that he was dealing with the RKVY subject matter/sector earlier before his recent promotion to the post of the Director; and on promotion to the post of Director, he had given the charge of the subject matter/sector to Dr. Myingthungo Shitiri, Joint Director of Veterinary (Planning), Directorate of Veterinary & Animal Husbandry, Nagaland, Kohima, who joined the Directorate on 26th June 2015 on transfer. He also informed that there were transfers and postings of officers as well as reshuffling of ministerial staff in the Directorate.

The Director & FAA, Veterinary & Animal Husbandry, Nagaland, Kohima had further submitted that the public authority conducts **Performance Audit** of the schemes and programmes every five (5) years and on completion of such audits, the files are bundled and kept in the store room. However, on assumption of the charge of the Director, since he was entrusted with new responsibilities and other heavy official engagements, he forgot to inform Dr. Myingthungo Shitiri, Joint Director of Veterinary (Planning), Directorate of Veterinary & Animal Husbandry, Nagaland, Kohima.

Dr. Myingthungo Shitiri, Joint Director of Veterinary (Planning), Directorate of Veterinary & Animal Husbandry, Nagaland, Kohima also submitted that as he was new to the Directorate, he was not aware of the system or procedure practised in the Directorate regarding the Performance Audits and the storing of files in the store room after having been audited.

Basing on the submission of Dr. Myingthungo Shitiri, Joint Director of Veterinary (Planning), Directorate of Veterinary & Animal Husbandry, Nagaland, Kohima in the last hearing held on 11.03.2016, that even after having given the charge of the RKVY subject matter/sector no files were handed to him by the previous officer in charge who was now the Director, and that inspite of having approached the Director, there was no positive response, and instead only two (2) files namely, RKVY-3 and RKVY-7 which pertained to the present RTI query were handed to him only on **16.02.2016**, just 2 days before the hearing on 18.02.2016. The Commission, on examination of the circumstances had observed that the Director & FAA, Veterinary & Animal Husbandry, Nagaland, Kohima had become the **deemed PIO**, since the RTI application dated 16.12.2015 was received on 16.12.2015, the 30 days time in furnishing the information expired on **16.01.2016**. Hence, the number of days of delay from **16.01.2016** to **16.02.2016** on the part of the Director & FAA worked out to be **31 (thirty one) days**.

The Commission also observed that since the RTI application dated 16.12.2015 endorsed by Dr. Viral Yore, Additional Director & PIO, Veterinary & Animal Husbandry, Nagaland, Kohima was received on the same day i.e. 16.12.2015 by Dr. Myingthungo Shitiri, Joint Director of Veterinary (Planning), Directorate of Veterinary & Animal Husbandry, Nagaland, Kohima as he presently deals with the RKVY subject matter/sector, he had also become the **deemed PIO**. However, since Dr. Myingthungo Shitiri, Joint Director of Veterinary (Planning), Directorate of Veterinary & Animal Husbandry, Nagaland, Kohima had received the two (2) files namely, RKVY-3 and RKVY-7 pertaining to the present RTI query from the present Director only on **16.02.2016**, the Commission had observed that he had also contributed to the delay in furnishing of the information from **17.02.2016** to **09.03.2016**, the date of furnishing the complete information to the applicant (now complainant) which worked out to be **21 (twenty one) days**.

The Commission observed that the submissions of Dr. R.T. Ezung, the present Director & FAA, Veterinary & Animal Husbandry, Nagaland, Kohima and Dr. Myingthungo Shitiri, Joint Director of Veterinary (Planning), Directorate of Veterinary & Animal Husbandry, Nagaland, Kohima were **not tenable**. Since they had both become **'deemed PIOs'** in this case and had contributed to the delay in furnishing the information to the applicant (now complainant), the Commission observed that they were both liable for penalty.

The Commission further cautioned the Director & FAA, Veterinary & Animal Husbandry, Nagaland, Kohima to take RTI matters seriously and had also recommended to sensitise all of its employees on the RTI.

DECISION:

On the above observations and findings, the Commission decided that under Section 20(1) of the RTI Act, 2005:-

- i) Dr. R. T. Ezung, Director & FAA, Veterinary & Animal Husbandry, Nagaland, Kohima who was earlier the officer incharge of the RKVY subject matter/sector and had now become the **'deemed PIO'** is imposed a penalty for contributing to the delay of thirty

one (31) days from 16.01.2016 to 16.02.2016 @ Rs. 250/- (Rupees two hundred and fifty only) amounting to **Rs. 7750/-** (Rupees seven thousand seven hundred and fifty only); and

- ii) Dr. Myingthungo Shitiri, Joint Director of Veterinary (Planning), Directorate of Veterinary & Animal Husbandry, Nagaland, Kohima who is the present officer incharge of the RKVY subject matter/sector and had become the '**deemed PIO**' is imposed a penalty for contributing to the delay of twenty one (21) days from 17.02.2016 to 09.03.2016 @ Rs. 250/- (Rupees two hundred and fifty only) amounting to **Rs. 5250/-** (Rupees five thousand two hundred and fifty only).

The above penalty amounts shall be paid within **one (1) month** from the date of receipt of this Commission's Decision. The penalty fines shall be deposited into the government account through **treasury challan** in favour of the Consultant (Accounts), Nagaland Information Commission, Nagaland, Kohima under the Head of Account given below, with a copy of the treasury challan to this Commission:-

0070 – Other Administrative Services
60 – Other Services
118 – Receipts under RTI Act, 2005.

On receipt of the above Treasury Challan, the Commission shall declare this complaint case as closed.

Decision pronounced in the presence of the respondents only on 19.04.2016.

Copy be given to:-

1. Dr. R. T. Ezung, Director & FAA, Veterinary & Animal Husbandry, Nagaland, Kohima, Mobile No. 9436001535.
2. Dr. Viral Yore, Additional Director & PIO, Veterinary & Animal Husbandry, Nagaland, Kohima, Mobile No. 9436604994.
3. Dr. Myingthungo Shitiri, Joint Director of Veterinary (Planning), Directorate of Veterinary & Animal Husbandry, Nagaland, Kohima, Mobile No. 8413842725.
4. Dr. (Ms.) Achila Ao, Deputy Director of Veterinary & APIO, Directorate of Veterinary & Animal Husbandry, Nagaland, Kohima, Mobile No. 9615150689.
5. The applicant (now complainant), Shri. Nungoi Chizo, Suthotsü Village, Mobile No. 9436408594, 8415832190.
6. The Consultant(Accounts), Nagaland Information Commission for information.
7. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
8. Office Copy.

Sd/-
TOSHI AIER , IAS (Retd.)
Chief Information Commissioner

Sd/-
CHANBEMO LOTHIA
State Information Commissioner

Authenticated true copy:-

(WORHONTHUNG EZUNG)
Secretary