



NAGALAND INFORMATION COMMISSION
Old Secretariat Complex,
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Nagaland, Kohima - 797001.
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No. NIC/Appeal-18/2013-14

Dated Kohima, the 20th June, 2014.

Appellants: i) Shri. N. Yona Konyak,
Member,
Vigilance Cell,
NPCC, Congress Bhavan,
Kohima, Mobile No. 9436001872

ii) Shri. K. Wetsah,
Member,
Vigilance Cell,
NPCC, Congress Bhavan,
Kohima, Mobile No. 9436001640.

Respondents: 1. The Director & FAA, School Education, Nagaland,
Kohima.
2. The Joint Director & PIO, School Education, Nagaland,
Kohima.

Public Authority: Directorate of School Education, Nagaland, Kohima.

Date of first hearing: 20.03.2014

Date of first decision: 20.03.2014

Date of present hearing: 12.06.2014

Date of present decision: 20.06.2014

Present:-

1. Shri. Zaveyi Nyekha, Director & FAA, School Education, Nagaland, Kohima.
2. Shri. Limawabang Aier, Joint Director & PIO, School Education, Nagaland, Kohima.
3. Dr. Zase Chusi, Additional Project Director (MDM) & APIO, School Education, Nagaland, Kohima.
4. The Appellants:
 - a. Shri. K. Wetsah, Member, Vigilance Cell, NPCC, Congress Bhavan, Kohima, Mobile No. 9436001640.
 - b. Shri N. Yona Konyak, Member, Vigilance Cell, NPCC, Congress Bhavan, Kohima, Mobile No. 9436001872 **did not appear** for the hearing.

FACTS OF THE CASE

Under Section 19 of the Right to Information Act, 2005, the Commission had, **on 20.03.2014** (Thursday) at 1:00 PM heard the second appeal dated 31.01.2014 received from two (2) applicants, Shri. N. Yona Konyak, Member, Vigilance Cell, NPCC, Congress Bhavan, Kohima, Mobile No. 9436001872 and Shri. K. Wetsah, Member, Vigilance Cell, NPCC, Congress Bhavan, Kohima, Mobile No. 9436001640, against the non-response from the Director & FAA, School Education, Nagaland, Kohima to their first appeal dated 18.12.2013 which was submitted against the non-response of the PIO, School Education, Nagaland, Kohima to their RTI application dated 17.10.2013.

The first hearing was held on **20.03.2014** (Thursday) at 1:00 PM, with the following:-

1. Shri K. Yhome, IAS, Principal Director & FAA, School Education, Nagaland, Kohima.
2. Shri Y. Vihokhe Sema, Jt. Director & PIO, School Education, Nagaland, Kohima.
3. The Appellants:
 - a. Shri. K. Wetsah, Member, Vigilance Cell, NPCC, Congress Bhavan, Kohima, Mobile No. 9436001640.
 - b. Shri N. Yona Konyak, Member, Vigilance Cell, NPCC, Congress Bhavan, Kohima, Mobile No. 9436001872 did not appear. However, in his absence Shri. S. Supongmeren, Member, Vigilance Cell, NPCC, Congress Bhavan, Kohima, Mobile No. 9856458005 represented him.

The Commission had, after hearing the parties passed decision on **20.03.2014**, stating that the appeal case shall be closed only after receipt of the compliance of the decisions at Sl. No. 1, 2, & 3 by the Commission.

In compliance to the **Point No. I** of the decision of the Commission dated 20.03.2014, Shri. Y. Vihoshe Sema, Joint Director & PIO, School Education had, vide letter No. ED/RTI-1/2013-14/16 dated 29.04.2014 informed that the penalty fine of Rs. 25,000/- (Rupees twenty five thousand only) had been paid through Treasury Challan No. 37 dated 29.04.2014.

Regarding **Point No. II** of the above mentioned decision of the Commission dated 20.03.2014, the Commission has not received any compliance to the decision of the Commission regarding conduct of internal enquiry and fixing of accountability for not putting up the first appeal dated 18.12.2013 to either to the Joint Director & PIO, School Education or to the Principal Director & FAA, School Education.

And in compliance to the **Point No. III** of the above mentioned decision of the Commission dated 20.03.2014, Shri. Y. Vihoshe Sema, Joint Director & PIO, School Education had, vide letter No. ED/RTI-1/2013-14/06 dated 16.04.2014 submitted that while some information were furnished to the applicants(now appellants), the required information pertaining to the periods, 2008-09 and 2009-10 of the query Nos. 2 & 3 could not be provided due to non-availability of documentary records.

Since the Commission had not received any compliance to **Point No. II** of the above mentioned decision of the Commission dated 20.03.2014, and also in compliance to the **Point No. III** of the Commission's decision dated 20.03.2014 submitted by the Joint Director & PIO, School Education vide letter No. ED/RTI-1/2013-14/06 dated 16.04.2014 that due to

non-availability of documentary records, the required information pertaining to the periods, 2008-09 and 2009-10 of the query Nos. 2 & 3 could not be provided to the applicants(now appellants), the Commission had fixed for this second hearing to hear the appeal again, giving opportunity to the parties, on **12th June, 2014 (Thursday) at 2:00 PM.**

OBSERVATIONS & FINDINGS:

Shri K. Yhome, IAS, Principal Director & FAA, School Education, Nagaland, Kohima did not appear for the hearing since he was on tour for training outside the State.

During the hearing, it was learnt that Shri. Zaveyi Nyekha, Director, School Education, Nagaland, Kohima, was recently designated as the new FAA and on retirement of Shri. Y. Vihoshe Sema, Joint Director & PIO, Shri. Limawabang Aier, Joint Director was recently designated as the new PIO, School Education, Nagaland, Kohima.

Since compliance to the **Point No. I** of the decision of the Commission dated 20.03.2014, regarding payment of the penalty fine of Rs. 25,000/- (Rupees twenty five thousand only) paid through Treasury Challan No. 37 dated 29.04.2014 had been received from Shri. Y. Vihoshe Sema, Joint Director & PIO, School Education, Nagaland, Kohima, the Commission do not proceed with this point.

Point No. II of the decision of the Commission dated 20.03.2014, regarding conduct of internal enquiry and fixing of accountability for not putting up the first appeal dated 18.12.2013 to either to the Joint Director & PIO, School Education or to the Principal Director & FAA, School Education, during the hearing, the Director, School Education, Nagaland, Kohima, who was recently designated as the FAA submitted that no formal inquiry committee was setup, however, only a meeting/discussion was held. Meanwhile, Shri. Limawabang Aier, Joint Director, the new PIO, School Education, Nagaland, Kohima submitted that accountability was fixed on Shri. Zaveyi Nyekha, Director & FAA, School Education, Nagaland, Kohima, since he had received the first appeal. However, there was no evidence proving such fixing of accountability.

On being asked by the Commission, Shri. Zaveyi Nyekha, Director & FAA, School Education, Nagaland, Kohima, submitted that he had received the first appeal dated 18.12.2013 and endorsed to the Registrar. However, that Registrar retired from govt. service and a new Registrar joined, but that Registrar also retired from govt. service and a new Registrar joined. The present Registrar is the third Registrar since this RTI application and first appeal was received.

Point No. III of the decision of the Commission dated 20.03.2014, regarding non-furnishing of the required information pertaining to the periods, 2008-09 and 2009-10 of the query Nos. 2 & 3 due to non-availability of documentary records, the public authority submitted that after a meeting/discussion was held, the required information was located. A copy of the information was produced before the Commission during the hearing. The Commission handed the information to the applicant (now appellant), Shri. K. Wetsah, Member, Vigilance Cell, NPCC, Congress Bhavan, Kohima, and directed him to go through it. And after going through the information. the applicant (now appellant) submitted before the Commission that he was satisfied with the information so received.

Point No. IV of the decision of the Commission dated 20.03.2014, regarding the recommendation of the Commission to sensitise its officers and staff on RTI matters and if found feasible to even appoint more subject specific PIOs to expedite furnishing of information under RTI Act, 2005, the public authority submitted that six (6) officers of the School Education Department were sent for training on RTI at the ATI, Kohima.

DECISION/ ORDER

Basing on the above observations and findings, the Commission decides the following:-

1. Shri. Zaveyi Nyekha, Director & FAA, School Education, Nagaland, Kohima, shall submit in writing a detailed report on how the internal inquiry was initiated for not putting up and processing the first appeal dated 18.12.2013 and action taken on fixing of accountability on the person responsible for the misplacing of the first appeal **within one (1) week** from the date of receipt of this Decision.
2. The details of the officers & staff who were sensitised on RTI shall be submitted to the Commission. Also a copy of the nomination for training of six (6) officers of the School Education Department on RTI at the ATI, Kohima including their attendance in the training shall also be sent to the Commission **within one (1) week** from the date of receipt of this Decision.

This appeal case shall be closed only after compliance to the above decision is received by the Commission.

Decision pronounced in the presence of all concerned.

Copies be given to:-

1. Shri. Zaveyi Nyekha, Director & FAA, School Education, Nagaland, Kohima.
2. Shri. Limawabang Aier, Joint Director & PIO, School Education, Nagaland, Kohima.
3. Shri. K. Wetsah, Member, Vigilance Cell, NPCC, Congress Bhavan, Kohima, Mobile No. 9436001640.
4. Shri N. Yona Konyak, Member, Vigilance Cell, NPCC, Congress Bhavan, Kohima, Mobile No. 9436001872.
5. The Computer Programmer, NIC for uploading on the NIC's website.
6. Office copy.

Sd/-
Kevinino P. Meru
State Information Commissioner,
Nagaland

Sd/-
Bukchem Phom
State Information Commissioner,
Nagaland.

Authenticated by:-

(SOYIMNA AIER KOZA)
Secretary
Nagaland Information Commission