

NAGALAND INFORMATION COMMISSION
Old Secretariat Complex,
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Nagaland, Kohima - 797001.
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No. NIC/Appeal-13/2016-17

Dated Kohima, the 23rd November, 2016.

Appellants : (i) Shri. Sietuo Miachieo and
(ii) Shri. Medo Nakhro,
Viphoma Village,
Head Post Office,
Post Box No. 375,
Kohima,
Mobile No. 8256923072,

Respondents : (i) The Deputy Commissioner & First Appellate Authority,
Kohima district, Nagaland.

(ii) The Additional Deputy Commissioner & PIO,
Chiephobozou,
Kohima district,
Nagaland.

Public Authority : Office of the Additional Deputy Commissioner,
Chiephobozou, Kohima district, Nagaland.

Date of hearing : 18.11.2016 at 1:00 PM.
Date of Decision : 23.11.2016.

Present:

- i) Shri. Rovilatuo Mor, IAS, Deputy Commissioner & First Appellate Authority, Kohima, Nagaland.
- ii) The applicants(now appellants), Shri. Sietuo Miachieo and Shri. Medo Nakhro, Viphoma Village, Head Post Office, Post Box No. 375, Kohima, Mobile No. 8256923072.

The following did not appear for the hearing:-

- iii) The Additional Deputy Commissioner, Chiephobozou, Kohima, Nagaland.
- iv) The Superintendent, Office of the Deputy Commissioner, Kohima, Nagaland.

FACT OF THE CASE

Two applicants, Shri. Sietuo Miachieo and Shri. Medo Nakhro, Viphoma Village, Head Post Office, Post Box No. 375, Kohima, Mobile No. 8256923072 had submitted a RTI application dated 30.06.2016 addressed to the PIO, Office of the Additional Deputy Commissioner, Chiephobozou, Kohima district alongwith the prescribed application fee of Rs. 10/- (Rupees ten only) paid in cash seeking the following information:-

1. *Khel-wise name list of Household tax payers of Viphoma Village submitted by GBs to the Office of the Additional Deputy Commissioner, Chiephobozou w.e.f. 2005 to 2016.*
2. *Khel-wise yearly name list of NREGA job card holders for Viphoma Village since 2008 to 2016.*

The above RTI application dated 30.06.2016 was received by the Public Authority on **12.07.2016** as evidenced on the body of the copy of the above RTI application.

On receipt of the information on **08.08.2016**, the applicants had preferred first appeal dated 16.08.2016 before the Deputy Commissioner & First Appellate Authority, Kohima district since the information furnished was unsatisfactory as the names of the household tax payers from 2005 to 2016 and the list of name of job card holders of NREGA from 2008 to 2016 were not received. The applicants had also stated that the RTI application and the fee of Rs. 10/- were returned back to them.

The First appeal dated 16.08.2016 was received by the Superintendent, Office of the Deputy Commissioner, Kohima on the same date i.e. 16.08.2016, however, on not getting any response to their First appeal dated 16.08.2016 within the stipulated time frame of 30 days from the Deputy Commissioner & First Appellate Authority, Kohima district, the applicants (now appellants) had preferred a second appeal dated 17.09.2016 before this Commission.

Since there was no response from the Deputy Commissioner & FAA, Kohima District to their First Appeal dated 16.08.2016 which was submitted against the unsatisfactory information received from the ADC & PIO, Office of the Additional Deputy Commissioner, Chiephobozou, Kohima district in response to their RTI Application dated 30.06.2016, the Commission has decided to hear the appeal, giving opportunity to the parties on **18th November, 2016 (Friday) at 1:00 PM** in the **Hearing Room of the Nagaland Information Commission, Old Secretariat Complex, Kohima**. The Commission had also notified the following concerned to appear before the Commission and **also to bring the files and relevant documents** in question for scrutiny, on the above date and time for hearing.

- i) The Deputy Commissioner & First Appellate Authority, Kohima, Nagaland.
- ii) The Additional Deputy Commissioner, Chiephobozou, Kohima, Nagaland.
- iii) The Superintendent, Office of the Deputy Commissioner, Kohima, Nagaland.
- iv) The applicants(now appellants), Shri. Sietuo Miachieo and Shri. Medo Nakhro, Viphoma Village, Mobile No. 8256923072.

OBSERVATIONS AND FINDINGS:

The Additional Deputy Commissioner & PIO, Chiephobozou and the Superintendent, Office of the Deputy Commissioner, Kohima, Nagaland did not appear before the hearing and the Commission had not received any prior information regarding their absence.

During the hearing, Shri. Rovilatuo Mor, IAS, Deputy Commissioner & First Appellate Authority, Kohima, Nagaland informed that the Additional Deputy Commissioner, Chiephobozou, Kohima, Nagaland had not received the notice for hearing and moreover due to urgent unavoidable circumstances at Chiephobozou, she could not attend the hearing.

The applicant(now appellant) stated that on **08.08.2016**, he had received a phone call from the Office of the Additional Deputy Commissioner, Chiephobozou to collect the information, however, when he went to the office, he was given some information and his RTI application dated 30.06.2016 and the application fee of Rs. 10/- were returned.

The Commission took a very serious view about the casual approach on the part of the ADC & PIO, Chiephobozou in returning the RTI application and the fee of Rs. 10/- back to the applicants, and also in not giving any official reply letter to the applicants.

Shri. Rovilatuo Mor, IAS, Deputy Commissioner & First Appellate Authority, Kohima, Nagaland stated that on receipt of the first appeal on 16.08.2016, he had issued an order vide No. LEGAL/RTI-DC/Appeal/2016/718 dated **29.08.2016** directing the Additional Deputy Commissioner, Chiephobozou, Kohima to furnish the information as sought and also to clarify the return of the RTI application dated 30.06.2016 and the application fee of Rs. 10/- **within seven (7) days** on issue of his order. However, on not getting any response from the ADC & PIO, Chiephobozou to his order, the DC & FAA, Kohima had sent a **reminder** vide No. LEGAL/RTI-DC/Appeal/2016/945 dated **28.09.2016** to comply **within seven (7) days** failing which it shall invite legal action as per the RTI Act under the appropriate section.

On receipt of the above reminder on the same date i.e. 28.09.2016, Smti. Linda Solo, Additional Deputy Commissioner, Chiephobozou, Kohima had, vide letter No. LEGAL/RTI-ADC/CPU/2015-2016 dated **04.10.2016** submitted the information to the DC & FAA, Kohima which she received from Sedevinuo Rio, BDO, RD Block, Chiephobozou. The BDO, RD Block, Chiephobozou had, vide letter No. BDO/CB/RTI-01/2009-10 dated **08.09.2016** submitted the information to the ADC & PIO referring to her letter No. LEGAL/RTI-DC/Appeal/2016/7/8 dated **16.08.2016**.

On receipt of the above from the ADC & PIO on the same date i.e. 04.10.2016, the DC & FAA, Kohima had, vide Order No. LEGAL/RTI-DC/Appeal/2016/1003 dated **04.10.2016** disposed

off the appeal with a direction to the ADC & PIO, Chiephobozou to furnish the information to the applicants(now appellants) as sought. However, during the hearing, the applicants(now appellants) submitted that they did not receive the information till date.

Shri. Rovilatuo Mor, IAS, Deputy Commissioner & First Appellate Authority, Kohima informed that the Office of the DC normally receives only the number of households. However, the applicants(now appellants) informed that they used to submit the list of names alongwith khel-wise till 2016, and hence the records must be available with the ADC or BDO Office at Chiephobozou.

The Commission advised the DC & FAA, Kohima that the names and khel-wise list of households can be collected through the GBs (goan buras), which may be useful in the future.

DECISION:

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

- i) The ADC & PIO, Chiephobozou, Kohima, Nagaland and the BDO & APIO, Chiephobozou, Kohima, update the information and furnish to the applicants(now appellants) as sought for **within one (1) week** from the date of issue of this decision, with a copy to this Commission.
- ii) The Additional Deputy Commissioner & PIO, Chiephobozou, Kohima, Nagaland to submit an **explanation** to the Commission regarding her absence during the hearing without any prior information.
- iii) The Commission shall hear the ADC & PIO, Chiephobozou and the BDO & APIO, Chiephobozou in the next hearing which shall be notified later.

Decision pronounced on 18.11.2016.

Copies be given to:-

1. Shri. Rovilatuo Mor, IAS, Deputy Commissioner & First Appellate Authority, Kohima, Nagaland.
2. Smti. Linda Solo, Additional Deputy Commissioner, Chiephobozou, Kohima, Nagaland.
3. The Superintendent, Office of the Deputy Commissioner, Kohima, Nagaland.
4. The applicants(now appellants), Shri. Sietuo Miachieo and Shri. Medo Nakhro, Viphoma Village, Head Post Office, Post Box No. 375, Kohima, Mobile No. 8256923072.
5. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
6. Office Copy.

Sd/-

TOSHI AIER, IAS (Retd.)
Chief Information Commissioner

Sd/-

CHANBEMO LOTHIA
State Information Commissioner

Authenticated true copy:-

(WORHONTHUNG EZUNG)
Secretary