

NAGALAND INFORMATION COMMISSION
BELOW RAJ BHAVAN, OFFICERS' HILL COLONY
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No. NIC/Appeal-13/2016-17

Dated Kohima, the 27th November, 2017

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

Respondents : i) The Deputy Commissioner & FAA,
Kohima, Nagaland.
ii) The Addl. Deputy Commissioner & PIO,
Chiephobozou,
Kohima, Nagaland.

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

Date of 1st hearing : 18.11.2016 at 1:00 P.M
Date of Decision : 23.11.2016

Date of 2nd hearing : 16.11.2017 at 1:00 P.M
Date of Decision : 27.11.2017

Present:

1. Shri. S. Imlong, Addl. Deputy Commissioner & PIO, Chiephobozou, Kohima, Nagaland.
2. Shri. Seyiekhrielie Rio, Block Development Officer & APIO, Chiephobozou, Kohima, Nagaland.

The applicants (now appellants), Shri. Sietuo Miachieo & Shri. Medo Nakhro did not appear for the hearing.

FACTS OF THE CASE

In compliance to the directive issued by the Deputy Commissioner & First Appellate Authority, Kohima District, Nagaland vide letter No. LEGAL/RTI-DC/APPEAL/2016/2189 dated 18.11.2016, the ADC & PIO, Chiephobozou, Kohima had, vide No. CPZU/VC-15/VPM/159 dated 24.11.2016 furnished to the applicants (now appellants) the copies of the list of household khel wise for 2005-16 as per house tax submitted by the three GBs of Viphoma village.

The BDO & APIO, Chiephobozou, Kohima had also, vide letter No. RDB/CHPB/RTI-1/2016 dated 24.11.2016 furnished the detail list of job card holders khel wise from 2008 to 2016 to the applicants (now appellants) in compliance to the directive issued by the Deputy Commissioner & First Appellate Authority, Kohima District, Nagaland vide letter No. LEGAL/RTI-DC/APPEAL/2016/2189 dated 18.11.2016.

On receipt of the above compliances from the ADC & PIO, Chiephobozou and the BDO & APIO, Chiephobozou, the Deputy Commissioner & FAA had, vide letter No. LEGAL/RTI-DC/Appeal/2016/2311 dated 30.11.2016 directed the ADC & PIO, Chiephobozou, Kohima, Nagaland to furnish the house tax list for the other two khels of Viphoma village and the BDO & APIO, Chiephobozou, Kohima to furnish copies of job card list to the Deputy Commissioner & FAA for confirmation of appropriate records sought by the applicants (now appellants).

The Commission had issued a directive vide letter of even No. dated 23.05.2017 to the ADC & PIO, Chiephobozou and the BDO & APIO, Chiephobozou, to comply with Point No. (i) & (ii) of its decision of even No. dated 23.11.2016 and also to ascertain the satisfaction or non-satisfaction of the information furnished to the applicants (now appellants), Shri. Sietuo Miachieo & Medo Nakhro, Viphoma Village, Head Post Office, Post Box No. 375, Kohima Nagaland, Mobile No. 8256923072 within 20 (Twenty) days from the date of receipt of the directive, however, the Commission has not received the compliance till date.

The Commission had issued another reminder vide letter of even No. dated 25.08.2017 to the ADC & PIO, Chiephobozou and the BDO & APIO, Chiephobozou, to submit compliance to its decision of even No. dated 23.11.2016 and the directive issued vide even No. dated 23.05.2017 within 3 (three) weeks from the date of receipt of the reminder.

On receipt of the reminder of even No. dated 25.08.2017, the ADC & PIO, O/o the Deputy Commissioner, Kohima, Nagaland had, vide letter No. DCK/ADC/RTI/2016/329 dated 05.09.2017 issued a directive to the ADC & PIO, Chiephobozou to comply with the directive of the Commission.

On not getting any response from the ADC & PIO, Chiephobozou and the BDO & APIO, Chiephobozou, to its decision of even No. dated 23.11.2016 and directives issued vide even No. dated 23.05.2017 and 25.08.2017, the Commission has decided to hear the case again, giving opportunity of being heard to all parties on the 16th November (Thursday), 2017 at 1:00 P.M in the Hearing Room of Nagaland information Commission, Below Raj Bhavan, Officers' Hill Colony, Nagaland, Kohima.

OBSERVATIONS AND FINDINGS

The applicants (now appellants), Shri. Sietuo Miachieo & Shri. Medo Nakhro did not appear for the hearing and the appeal case was heard ex parte in the presence of the respondents, Shri. S. Imlong, Addl. Deputy Commissioner & PIO, Chiephobozou and Shri. Seyiekhrielie Rio, Block Development Officer & APIO, Chiephobozou.

During the hearing, Shri. Seyiekhrielie Rio, BDO & APIO, Chiephobozou submitted that since the applicants (now appellants) were not satisfied with the information furnished to them earlier, he had obtained the name list of the job card holders of Viphoma village from the Management Information System and accordingly furnished the information to the applicants (now appellants) vide letter No. RDB/CHPB/RTI-1/2016 dated 22.06.2017. He further submitted that a copy of the information was also endorsed to the Commission, however, they could not locate the new office building of the Commission and hence the copy of the information could not be submitted to the Commission as directed.

On being asked by the Commission as to why there was no response from the ADC & PIO, Chiephobozou to the directives issued by the Commission to comply with its decision of even No. dated 23.11.2016, Shri. S. Imlong, ADC & PIO, Chiephobozou submitted that he was unable to comply with the Commission's directives due to the communication gap. He further submitted that the information was furnished to the applicants in compliance to the decision of the Commission dated 23.11.2016 and on receipt of the information, the applicants had expressed satisfaction, however, the confirmation of satisfaction could not be obtained in writing as the applicants were residing at Medzhiphema. In this regard, the Commission advised the ADC & PIO, Chiephobozou to obtain the satisfaction of information furnished to the applicants (now appellants) in writing and submit the confirmation to the Commission.

The Commission had also viewed seriously the non-compliance to the point No.2 of the decision of the Commission dated 23.11.2016 by Smti. Linda Solo, the previous Addl. Deputy Commissioner & PIO, Chiephobozou inspite of the directive and reminder issued vide even No. dated 23.05.2017 and 25.08.2017.

DECISION

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

1. The Addl. Deputy Commissioner & PIO, Chiephobozou shall obtain in writing from the applicants (now appellants) the confirmation of satisfaction of information furnished to them **within two (2) weeks** from the date of receipt of this decision and submit a copy to this Commission.
2. Smti. Linda Solo, the previous Addl. Deputy Commissioner & PIO, Chiephobozou shall submit compliance to point No. 2 of the Commission's decision of even No. dated 23.11.2016 **within two (2) weeks** from the date of receipt of this decision.

On receipt of the compliance to the above mentioned decision, the Commission shall declare this appeal case closed.

Decision pronounced in presence of only the respondents on 16.11.2017

Copy be given to:

1. The Deputy Commissioner & FAA, Kohima, Nagaland.
2. Smti. Linda Solo, the previous Addl. Deputy Commissioner & PIO, Chiephobozou Kohima, Nagaland.
3. Shri. S. Imlong, Addl. Deputy Commissioner & PIO, Chiephobozou, Kohima, Nagaland, Mobile No. 9612895475.
4. Shri. Seyiekhrielie Rio, Block Development Officer & APIO, Chiephobozou, Kohima, Nagaland, Mobile No. 9402489555.
5. The applicants (now appellants), Shri. Sietuo Miachieo & Shri. Medo Nakhro, Viphoma Village, Head Post Office, Post Box No. 375, Kohima Nagaland, Mobile No. 8256923072.
6. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
7. Office Copy.

(KEVIZATUO MIACHIEO)
State Information Commissioner

(CHANBEMO LOTH)
State Information Commissioner

(WORHONTHUNG EZUNG)
Secretary