

NAGALAND INFORMATION COMMISSION
Officers' Hill, below Raj Bhavan,
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No. NIC/Appeal-18/2016-17

Dated Kohima, the 22nd September, 2017.

Appellant : Shri. Vikheto Zhimomi,
RTI Activist,
P.R Hill,
Kohima, Nagaland.
Mobile No. 9089896123

Respondents : i) The Director & FAA,
Directorate of School Education, Nagaland, Kohima.

ii) The Additional Director & PIO,
Directorate of School Education, Nagaland, Kohima.

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

Date of first hearing : 17.01.2017 at 12:00 PM.
Date of first Decision : 23.01.2017.

Date of second hearing : 12.09.2017 at 12:00 PM.
Date of second Decision : 22.09.2017.

Present:

- i) Shri. Wonthungo Tsopoe, Director & FAA, Directorate of School Education, Nagaland, Kohima, Mobile No. 9436008991.
- ii) Shri. Razouseyi Vese, Additional Director & PIO, Directorate of School Education, Nagaland, Kohima, Mobile No. 8974866909.
- iii) Er. Ketousielie Kengurusie, SDO, PWD (Housing), Education Division, Nagaland, Kohima, Mobile No. 9862116770.
- iv) Shri. Chonbenthung Jungio, Dealing Assistant, Directorate of School Education, Nagaland, Kohima, Mobile No. 9856843650.

FACT OF THE CASE

The Commission had, after hearing the parties on 17.01.2017 at 12:00 PM. passed Decision dated 23.01.2017 wherein the PIO was directed to furnish the information relating to query Nos. 1, 4 and 5 to the applicant (now appellant) within two (2) weeks from the date of issue of the decision of the Commission.

In compliance with the decision of the Commission of even No. dated **23.01.2017**, the Director & First Appellate Authority, School Education, Nagaland had, vide letter No. ED/RTI-B/2014-15 dated **25.02.2017** furnished the information to the applicant (now appellant). And on receipt of the information, the applicant (now appellant) had, vide letter dated **27.04.2017** submitted **satisfaction** of information furnished to him to the Commission.

Meanwhile, the Old Secretariat Complex wherein many offices and establishments including the Nagaland Information Commission were located was completely destroyed by fire on 02.02.2017 during the public unrest in connection with the issue of the ULB (Urban Local Bodies) elections, and no items and properties such as office files, case files, documents, records, IT equipments and office furniture etc. could be retrieved. And with no office building, the Commission had to function from the out-house of the official quarter of the State Information Commissioner at Agri Farm Colony on a stop-gap arrangement basis till an alternative office accommodation was allotted.

On the request of the Commission, the public authority had submitted copies of all correspondences, documents and records relating to the case for reconstruction of the case file, and the process of which could be completed only after shifting of the office to a new location around the 1st week of August 2017.

With the reconstruction of the case file and shifting of the office into a new building, the Commission had, as decided earlier in Point No. 4 of its decision of even No. dated **23.01.2017**, decided to hear the case again giving opportunity of being heard to all the parties on **14th September (Thursday), 2017 at 12:00 PM** in the Hearing Room of the Nagaland Information Commission, Below Raj Bhawan, Officers' Hill Colony, Nagaland, Kohima.

OBSERVATIONS AND FINDINGS:

The Commission did not notify the applicant (now appellant) to attend the hearing since he was satisfied with the information furnished to him.

As decided earlier in its decision of even No. dated **23.01.2017**, since there was a delay in furnishing the information to the applicant (now appellant), the Commission had decided to hear the case again in order to fix responsibility to the concerned officer/staff for causing the delay in furnishing the information to the applicant (now appellant).

During the hearing, Er. Ketousielie Kengurusie, SDO, PWD(Housing), Education Division, Nagaland, Kohima who represented Er. Kelechutuo Pienyü, Executive Engineer, PWD (Housing), Education Division, submitted that the RTI application dated 20.06.2016 was transferred by the Additional Director & PIO, Directorate of School Education, Nagaland, Kohima to the Executive Engineer, PWD (Housing), Education Division on **24.06.2016**. And on receipt of the above RTI application, the Executive Engineer, PWD (Housing), Education Division had, vide letter No. No. EDN/ENG/EST-47/2010-11 dated **01.07.2016** submitted the information to the Additional Director & PIO who had in turn furnished it to the applicant now appellant), however, the applicant (now appellant) had refused to accept it stating that the information was incomplete. On being asked by the Commission to substantiate with written evidence, Er. Ketousielie Kengurusie, SDO, PWD(Housing), Education Division submitted that there was neither any proof of receipt of the RTI application on 24.06.2016 transferred by the Additional Director & PIO nor the refusal of the information by the applicant.

The Commission observed that on receipt of the RTI application on 24.06.2016, the Executive Engineer, PWD (Housing), Education Division had, within the stipulated time limit of 30 days submitted the information to the Additional Director & PIO, Directorate of School Education, Nagaland, Kohima on 01.07.2016, however, the PIO could furnish the complete and satisfactory information only on **11.08.2016** to the applicant (now appellant). Hence, from the date of receipt of the RTI application on 20.06.2016 by the Additional Director & PIO to the date of furnishing of the information to the applicant (now appellant) on 11.08.2016, the total number of days was 52 days. And taking into account the 30 days for the PIO to furnish the information, the number of days of delay in furnishing the information to the applicant (now appellant) becomes (52 – 30) days = **22 days**.

DECISION:

On the above observations and findings, under Section 20(1) of the RTI Act, 2005, the Commission decided to impose penalty for twenty two (22) days of delay @ Rs. 250.00 per day of delay amounting to a total of Rs. 5500.00 (Rupees five thousand and five hundred only) on Shri. Razouseyi Vese, Additional Director & PIO, Directorate of School Education, Nagaland, Kohima, for contributing to the delay in furnishing the information to the applicant (now appellant).

The above penalty amount shall be paid **within two (2) weeks** from the date of receipt of this Commission's Decision. The penalty fine 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 appeal case as closed.

Decision pronounced in presence of the parties on 12.09.2017 at 12:00 PM.

Copy be given to:-

1. Shri. WonthungoTsopoe, Director & FAA, Directorate of School Education, Nagaland, Kohima, Mobile No. 9436008991.
2. Shri. Razouseyi Vese, Additional Director & PIO, Directorate of School Education, Nagaland, Kohima, Mobile No. 8974866909.
3. Er. Ketousielie Kengurusie, SDO, PWD (Housing), Education Division, Nagaland, Kohima, Mobile No. 9862116770.
4. The applicant (now appellant), Shri. Vikheto Zhimomi, RTI Activist, P.R Hill, Kohima, Nagaland, Mobile No. 9089896123
5. The Consultant (Accounts), Nagaland Information Commission for information.
6. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
7. Office Copy.

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

Sd/-
CHANBEMO LOTHIA
State Information Commissioner

Sd/-
KEVIZATUO MIACHIEO
State Information Commissioner

Authenticated true copy:-

(WORHONTHUNG EZUNG)
Secretary