

NAGALAND INFORMATION COMMISSION
Old Secretariat Complex,
Post Box No. 148
Nagaland, Kohima - 797001.
Tel: 0370-2291041, Fax: 0370-2291774, Website: www.nlsic.gov.in



No. NIC/Appeal-4/2016-17

Dated Kohima, the 30th June, 2016.

Appellant : Shri. S. T. Yapang Lkr. (Temsuyapang),
C/o Temsunaro,
Office of the Principal Chief Conservator of Forests,
Nagaland, Kohima – 797001,
Mobile No. 9856714829/9612800973

Respondents : (i) Director & First Appellate Authority,
School Education,
Nagaland, Kohima.

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

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

Date of hearing : 14.06.2016 at 1:30 PM.
Date of Decision : 30.06.2016.

Present:

1. Shri. Lima Aier, Additional Director & PIO, School Education, Nagaland, Kohima, Mobile No. 9436000909.
2. Shri. Lumdemo Kikon, UDA, School Education, Nagaland, Kohima, Mobile No. 9856026275.
3. Shri. S.T. Nokdang Longkumer, SDEO, Changtongya, Mokokchung District, Mobile No. 9612312919.
4. Smti. Chubamenla, SDEO, Mangkolemba, Mokokchung District, Mobile No. 9862868603.
5. Smti. R. Imsusenla, SDEO, Mokokchung, Mokokchung District, Mobile No. 9436607211.
6. The applicant (now appellant), Shri. S. T. Yapang Lkr. (Temsuyapang), C/o Temsunaro, Office of the Principal Chief Conservator of Forests, Nagaland, Kohima – 797001, Mobile No. 9856714829/9612800973.

FACT OF THE CASE

An applicant, Shri. S. T. Yapang Lkr. (Temsuyapang), C/o Temsunaro, Office of the Principal Chief Conservator of Forests, Nagaland, Kohima – 797001, Mobile No. 9856714829/9612800973 had submitted an RTI application dated 27.10.2015 addressed to the PIO, Education Department, Nagaland, Kohima alongwith the prescribed application fee of Rs. 10/- (Rupees ten only) paid in cash seeking the following clarifications /further information on the information provided to him vide No. ED/RTI-B/2014-15 against his previous RTI application, a copy of which was also enclosed:-

1. *According to the information provided, Pre-Matric Scholarship for Kohima district in Primary School was sanctioned a sum of Rs 23.52 lakh and for Upper Primary School Rs 211.2 lakh and for Mokokchung district Primary School a sum of Rs 29.03 lakh and Rs 112.2 lakh for Upper Primary School for 2014-2015 respectively. If so then, I would like to have the following information*
 - i) *Name of the students, name of the school, roll number and their parents name who has been benefitted from Pre-Matric Scholarship?*
 - ii) *Amount of money given to each students?*
 - iii) *Mode of payment i.e Cash/cheque or Banking system?*
2. *Since when did the Pre-Matric Scholarship initiated by the central Govt?*

3. *On what grounds or reasons was my query averted regarding the District wise sanction on Pre-Matric Scholarship for the years 2011-2012, 2012-2013 and 2013-2014 on my first RTI? I would like to have those detail information.*

4. *For the period 2011-2012, 2012-2013 and 2013-2014 I would like to have the following information benefitted from Pre-Matric Scholarship for Kohima and Mokokchung:*

- i) *Name of the students, name of the school, roll number and their parents name who has been benefitted from Pre-Matric Scholarship?*
- ii) *Amount of money given to each students?*
- iii) *Mode of payment i.e. Cash/cheque or Banking system?*

5. *Are Mid Day Meals to be provided everyday in school? What are the essentials that should be provided during MDM? If the schools don't provide the right amount of calories during the MDM to the children then is there any penalty/punishment against the school authority or VEC/WEC?*

6. *For the following years, these have been provided to Mokokchung district under MDM scheme*

*2011-2012 Rs 216.221akh and Rice-583.36 metric tons,
2012-2013 Rs 236.65 lakh and Rice- 510.31 metric tons,
2013-2014 Rs 226.741akh and Rice- 563.21 metric tons,
2014-2015 Rs 51.26 lakh and Rice 393.07 metric tons,*

Therefore what was the quantity of rice and amount of budget distributed in each schools?

Number of students in each schools? And, the number of days for which the MDM was provided?

7. *Is it applicable to use the money or the rice sanctioned for MDM for other purposes? Or is it OK to distribute the rice amongst the teaching faculty? If not, then is there any penalty under Govt's rule for those misappropriations?*

The RTI application dated 27.10.2015 was received by the public authority on the same day i.e. **27.10.2015** as evidenced on the body of the RTI application. However, on not getting any information from the PIO, the applicant had submitted a first appeal dated 22.01.2016 addressed to the First Appellate Authority & Director, School Education, Nagaland, Kohima. The above first appeal dated 22.01.2016 was received by the public authority on the same day i.e. 22.01.2016 as evidenced on the body of the first appeal.

On receipt of the First Appeal dated 22.01.2016, the Director & First Appellate Authority, School Education, Nagaland, Kohima had, vide letter No. ED/RTI-A/2014-15 dated NIL notified the applicant (now appellant) for a hearing on 24.02.2016 at 11:00 AM. And after the hearing, the FAA had, vide letter No. ED/RTI-B/2014-15 dated 24.02.2016 passed decision wherein the query No. 6 pertaining to MDM cell shall be re-directed to the concerned district i.e. Mokokchung. The query No. 6 pertaining to MDM was re-directed to the SDEOs vide letter No. ED/RTI-B/2014-15 dated 24.02.2016, since the MDM Cell did not have the records of school-wise distribution of items. Further, the FAA had, vide letter No. ED/RTI-B/2014-15 dated 14.03.2016 furnished the information pertaining to query Nos. 4, 5 and 7 and informed the applicant (now appellant) that query No. 6 had been forwarded to the respective SDEOs for compliance.

The applicant (now appellant) had preferred a second appeal dated 30.05.2016 before this Commission stating that no information had been received from the SDEO, Mokokchung till date whereas the information received from the SDEOs of Changtongya and Mangkolemba were incomplete and not to his satisfaction.

The Commission had decided to hear the appeal, giving opportunity to all the parties on **14th June, 2016 (Tuesday) at 1:30 PM** in the **Hearing Room of the Nagaland Information Commission, Old Secretariat Complex, Kohima**. The Commission had also directed all the concerned parties to bring the files and relevant documents in question for scrutiny, on the above date and time for hearing.

OBSERVATIONS AND FINDINGS:

During the hearing, Smti. R. Imsusenla, SDEO, Mokokchung submitted that she was informed over the phone by Smti. Chubamenla, SDEO, Mangkolemba, Mokokchung District regarding the RTI matter forwarded by the Directorate of School Education, Nagaland, Kohima stating that the last date of furnishing the information was on **16.03.2016**. Before the letter from the Directorate of School Education, Nagaland, Kohima was received, Smti. R. Imsusenla, SDEO, Mokokchung had submitted the information to the Directorate on **15.03.2016**. Later, on **18.03.2016** when she received the letter No. ED/RTI-B/2014-15 dated 24.02.2016 from the Directorate by post, the letter was kept aside without studying it minutely since she thought the information had already been submitted earlier to the Directorate.

However, Shri. Lima Aier, Additional Director & PIO, School Education, Nagaland, Kohima stated that the information sent by Smti. R. Imsusenla, SDEO, Mokokchung, was not received till date. She explained that since she had submitted the information to the Mid-Day Meals (MDM) Cell rather than the RTI Cell, the PIO, Directorate could not have received the information.

Smti. Chubamenla, SDEO, Mangkolemba submitted that the first appeal dated 22.01.2016 transferred from the Directorate on **24.02.2016** was received on **10.03.2016**, and that the information was furnished directly to the applicant(now appellant) on **14.03.2016**.

Shri. S.T. Nokdang Longkumer, SDEO, Changtongya also submitted that the first appeal dated 22.01.2016 transferred from the Directorate on **24.02.2016** was received on **07.03.2016**, and that the information was furnished directly to the applicant(now appellant) on **14.03.2016**.

On the deposition of the applicant(now appellant), Shri. S.T. Yapang that the SDEOs of Changtongya and Mangkolemba had not furnished the number of days for which Mid-Day Meals (MDM) were provided, the SDEOs of Changtongya and Mangkolemba explained that the number of days for which Mid-Day Meals (MDM) is provided is 220 days for Upper Primary (i.e. Class V to VIII) and 200 days for Lower Primary (i.e. Class A to Class IV), however only 180 days is provided since during examination time no MDM is given.

The Commission observed that the PIO, Directorate of School Education, Nagaland, Kohima should have furnished the information to the applicant within the 30 days time limit, and if the information was not available with him, the RTI application should have been transferred to the other public authorities within 5 days of receipt. However, only after the first appeal dated 22.01.2016 was received and the FAA had heard and passed decision dated 24.02.2016 on the first appeal, the concerned SDEOs were informed by transferring the first appeal dated 22.01.2016 by the Director & FAA himself on 24.02.2016 after a lapse of 120 days from the date of receipt of the RTI application dated 27.10.2015 on 27.10.2015.

On the above submissions of the three (3) SDEOs of Mokokchung, Changtongya and Mangkolemba, the Commission had also observed that there was no delay on the part of the SDEOs in furnishing the information. However, the delay was due to the failure of the PIO, Directorate of School Education, Nagaland, Kohima in not acting or not transferring the RTI application on time. Therefore, taking into account the 30 days time for the PIO to furnish the information, the number of days of delay works out to be $120 - 30 = 90$ (**ninety**) days, for which penalty was attracted.

DECISION:

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

1. Smti. R. Imsusenla, SDEO, Mokokchung shall submit to this Commission, the letter and the information which she had submitted to the PIO, Directorate of School Education, Nagaland, Kohima on 15.03.2016 **within one (1) week** from the date of receipt of this decision.
2. Smti. Chubamenla, SDEO, Mangkolemba and Shri. S.T. Nokdang Longkumer, SDEO, Changtongya shall submit the information to the PIO, Directorate of School Education, Nagaland, Kohima, with a copy to this Commission **within one (1) week** from the date of receipt of this decision.

3. On receipt of the information from the above three (3) SDEOs of Mokokchung, Changtongya and Mangkolemba, Shri. Lima Aier, Additional Director & PIO, School Education, Nagaland, Kohima shall furnish the consolidated information to the applicant (now appellant) and with a copy to this Commission **within 30 (thirty) days** from the date of receipt of this decision.
4. Under Section 20(1) of the RTI Act, 2005, Shri. Lima Aier, Additional Director & PIO, School Education, Nagaland, Kohima is imposed a penalty for the delay of **90 (ninety) days @ Rs. 250.00** amounting to a total of **Rs. 22,500.00** (Rupees twenty two thousand and five hundred only).

The penalty amount shall be paid within **one (1) month** 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 to this Commission:-

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

Decision pronounced in presence of all the parties present on 14.06.2016.

Copy to:-

1. Shri. Lima Aier, Additional Director & PIO, School Education, Nagaland, Kohima, Mobile No. 9436000909.
2. Shri. S.T. Nokdang Longkumer, SDEO, Changtongya, Mokokchung District, Mobile No. 9612312919.
3. Smti. Chubamenla, SDEO, Mangkolemba, Mokokchung District, Mobile No. 9862868603.
4. Smti. R. Imsusenla, SDEO, Mokokchung, Mokokchung District, Mobile No. 9436607211.
5. The applicant (now appellant), Shri. S. T. Yapang Lkr. (Temsuyapang), C/o Temsunaro, Office of the Principal Chief Conservator of Forests, Nagaland, Kohima – 797001, Mobile No. 9856714829/9612800973.
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