

NAGALAND INFORMATION COMMISSION

Old Secretariat Complex,

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Nagaland, Kohima - 797001.

Tel: 0370-2291041, Fax: 0370-2291774, Website: www.nlsic.gov.in



No. NIC/Complaint-1/2014-15

Dated Kohima, the 13th March, 2015.

Complainant: Shri. H. K. Zhimomi,
Diphupar – A Village,
Dimapur – 797112,
Mobile No. 9436007436

Respondent: 1) The Principal Secretary & First Appellate Authority,
Department of Environment, Forests & Wildlife,
Nagaland, Kohima

2) The concerned PIO,
Department of Environment, Forests & Wildlife,
Nagaland, Kohima

Public Authority: Department of Environment, Forests & Wildlife, Nagaland, Kohima.

Date of first Hearing : 09.09.2014 at 02:00 PM.

Date of second Hearing : 29.10.2014 at 12:00 PM.

Date of Interim Decision : 01.11.2014.

Date of third Hearing : 12.03.2015 at 12:30 PM.

Date of Decision : 13.03.2015

Present:

1. Shri. Henkhohao Singson, Joint Secretary & PIO, Department of Environment, Forests & Wildlife, Nagaland, Kohima.

The applicant(now the complainant), Shri. H. K. Zhimomi, Diphupar – A Village, Dimapur – 797112, Mobile No. 9436007436 did not appear.

FACT OF THE CASE:

The Commission had, on 29.10.2014 at 12:00 PM heard the Complaint dated 28.05.2014 received from an applicant, Shri. H. K. Zhimomi, Diphupar – A Village, Dimapur – 797112, Mobile No. 9436007436, against the non furnishing of information in regard to his RTI application dated 08.03.2014.

The hearing was attended by:-

1. Smti. Imtienla Ao, Secretary, Department of Environment, Forests & Wildlife, Nagaland, Kohima.
2. Shri. Kitto Swu, Junior Section Officer, Department of Environment, Forests & Wildlife, Nagaland, Kohima.
3. The applicant(now the complainant), Shri. H. K. Zhimomi, Diphupar – A Village, Dimapur – 797112, Mobile No. 9436007436.

And after hearing the parties on 29.10.2014, the Commission had, passed decision vide even No. dated **01.11.2014.**

And in compliance to the decision of the Commission dated 01.11.2014, Smti. Amenla Wati, Deputy Secretary, Department of Environment, Forests & Wildlife, Nagaland, Kohima had, vide letter No. FOR/ESTT-9/2010 dated **09.12.2014** furnished the information to the applicant(now the complainant) and with a copy to this Commission.

However, during the last hearing held on 29.10.2014, since the Commission observed that it was not clear who was the designated PIO during the time when the RTI application dated

08.03.2014 submitted by the applicant(now the complainant), Shri. H. K. Zhimomi was received by the public authority, the Commission reserved its final judgment/ decision in order to give opportunity of being heard to the new PIO in the next hearing.

And in order to hear the complaint giving opportunity to the parties, the Commission has now scheduled the hearing on **24th February, 2015 (Tuesday) at 1:30 PM** in the **Hearing Room of the Nagaland Information Commission, Old Secretariat Complex, Kohima.**

However, due to some unavoidable circumstances, the Commission had, vide it's letter of even No. dated 20.02.2015 postponed the hearing scheduled on **24th February, 2015 (Tuesday) at 1:30 PM to a later date** and informed the parties that the new date for hearing shall be intimated later.

The Commission had now rescheduled the hearing on **12th March, 2015 (Thursday) at 12:30 PM** vide it's letter of even No. dated 04.03.2015.

OBSERVATIONS AND FINDINGS:

The hearing was heard today, 12th March, 2015 at 12:30 PM.

The Principal Secretary & First Appellate Authority, Department of Environment, Forests & Wildlife, Nagaland, Kohima did not appear for the hearing. The Commission did not receive any prior intimation regarding his absence, which the Commission had expressed its displeasure and had taken serious note of it.

The Commission observed that the FAA had failed to understand the importance of the RTI matter and in handling it seriously which in due course had developed the several lapses in the Department.

During the last hearing held on 29-10-2014, since the Commission was not clear who was the designated PIO during the time when the RTI application dated 08.03.2014 was received, the Commission had directed the public authority to submit a copy of the notification appointing new PIO(s) and APIO(s) etc. within one (1) week from the date of receipt of this Commission's Decision dated 01-11-2014.

And in compliance to the Commission's Decision dated 01-11-2014, the Department of Environment, Forests & Wildlife, Nagaland, Kohima had submitted the Notification No. FOR/ESTT-(RTI)-80/2005 (Vol-II) dated **28.04.2014**, for the appointment of FAA, PIO and APIO which reads as:-

- i. First Appellate Authority : Shri. N. N. Zhasa, Principal Secretary.
- ii. PIO : Smti. Imtienla Ao, Secretary
- iii. APIO : Smti. Amenla Wati, Deputy Secretary.

However, during the hearing, on 12.03.2015 at 12:30 PM, the new PIO, Shri. Henkhohao Singson, Joint Secretary, Department of Environment, Forests & Wildlife, Nagaland, Kohima submitted that he joined the Department in October, 2014 and was later designated as the new PIO of the Department vide Notification No. FOR/ESTT-(RTI)-80/2005 (Vol-II) dated **27.11.2014**, and a copy was produced before the Commission which reads as:-

- i. First Appellate Authority : Shri. N. N. Zhasa, Principal Secretary.
- ii. PIO : Shri. Henkhohao Singson, Joint Secretary.
- iii. APIO : Shri. Vibozoto, Under Secretary.

The Commission observed that even if the period from the date of receipt of the RTI application dated 08.03.2014 to the date of Notification on 28.04.2014 is condoned, there is a considerable delay of 225 days from the date of Notification on 28.04.2014 to the date of furnishing the information to the applicant (now complainant) on 09.12.2014.

DECISION

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

- i. irrespective of the designating of PIOs in the Department, the Commission imposes the maximum a penalty of **Rs. 25,000.00** (Rupees twenty five thousand only), which is to be **shared equally by both the former and the present PIOs**. 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:-
0070 - Other Administrative Services,
60 - Other Services
118 – Receipts under RTI Act, 2005.
- ii. The Principal Secretary & First Appellate Authority, Department of Environment, Forests & Wildlife, Nagaland, Kohima is directed to **show cause** as to why the RTI mechanism in the Department was not strengthened and also for demeaning the status of the Commission by not appearing in the hearing without any prior information.

This complaint case shall be closed only after the compliance to the above Commission's Decision is received.

Complaint heard and Decision pronounced on this day, the 12.03.2015.

Copy be given to the parties:

1. The Principal Secretary & First Appellate Authority, Department of Environment, Forests & Wildlife, Nagaland, Kohima
2. Smti. Imtienla Ao, Secretary & former PIO, Department of Environment, Forests & Wildlife, Nagaland, Kohima, Mobile No. 9402113085.
3. Shri. Henkhohao Singson, Joint Secretary & present PIO, Department of Environment, Forests & Wildlife, Nagaland, Kohima, Mobile No. 9402607129.
4. The applicant(now the complainant), Shri. H. K. Zhimomi, Diphupar – A Village, Dimapur – 797112, Mobile No. 9436007436.
5. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
6. Office Copy.

Sd/-
(KEVININO P. MERU)
Chief Information Commissioner,
Nagaland.

Sd/-
(BUKCHEM PHOM)
State Information Commissioner,
Nagaland.

Authenticated true copy:-

(WORHONTHUNG EZUNG)
Under Secretary