

**NAGALAND INFORMATION COMMISSION  
OLD SECRETARIAT COMPLEX  
POST BOX NO.148  
NAGALAND: KOHIMA -797001**

No.NIC/Appeal-18/2011-12 Dated Kohima, the 26<sup>th</sup> March, 2012.

Appellant : Shri R. Paphino, Chairman,  
Vigilance Cell, NPCC,  
Congress Bhavan, Kohima.

Respondent : Director of School Education,  
Nagaland, Kohima

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

Date of Hearing : 26.03.2012

Date of Decision : 26.03.2012

**Present :**

1. The Principal Director, School Education, and FAA Nagaland, Kohima.
2. The Joint Director, (Shri Pollem Tep) School Education, Nagaland, Kohima.
3. The Joint Director, (Shri K. Kire) School Education, Nagaland, Kohima
4. The Deputy Director, (Dr. Chuba Imchen) School Education, Nagaland, Kohima.
5. The Dy. Mission Director, SSA, Nagaland, Kohima.
6. Shri R.Paphino, Chairman, Vigilance Cell, NPCC, Congress Bhavan, Kohima and appellant.

**Facts of the case:**

1. Shri R. Paphino had submitted a request under provisions of RTI Act, 2005, on **19.09.11** along with prescribed fees to the PIO, Directorate of School Education, Nagaland, Kohima, seeking information relating to Sarva Shiksha Abhiyan (SSA) program implementation and expenditure

for the year 2008-09, 2009-10 and 2010-11 on 3 (three) subjects namely:

- (a) Total amount allocated to all the schools throughout Nagaland (School-wise).
  - (b) Nature of works against fund sanctions (school-wise).
  - (c) Actual Payee Receipts against each sanction (school-wise).
2. The concerned PIO did not furnish any replies within the prescribed period.
  3. On not receiving any reply from the PIO, the appellant preferred 1<sup>st</sup> Appeal to the FAA on 21.10.2011.
  4. The Director & First Appellate Authority, School Education, Nagaland has not acted upon the Appeal till date. Meanwhile, the appellant further clarified that in an earlier instance he had filed an RTI application dated 03.05.2011 to the same Public Authority i.e. Directorate of School Education, on similar queries relating to SSA program, and, for which he has already received information on 2 (two) relevant queries/subjects viz.
    - (a) Total amount allocated to all schools throughout Nagaland (school-wise)
    - (b) Nature of works against fund sanctions (school-wise).

Therefore, barring the above 2 (two) queries, the appellant has now preferred 2nd Appeal before the Commission only in respect of query No.3 i.e. Actual Payee Receipts against each sanction (school-wise) which has been admitted.

### **Findings**

After hearing the statements of the **petitioner**, Shri P. Tep who was the PIO at the time the RTI application was filed on 19.09.2011, Mr K. Angami who is **currently functioning as PIO** in place of P. Tep even though no appointment order has been issued, the Principal Director, School Education Directorate etc., the Commission observed as under:

1. That the School Education Directorate has not issued any orders terminating the appointment of **Shri P. Tep** and replacing him with **Shri K. Angami**.
2. That there are three (3) PIOs in the Directorate viz.
  - (a) PIO in charge of SSA

- (b) PIO in charge of Projects
3. PIO in the rank of Joint Director dealing with Elementary and Secondary Education.
  4. The former Director of (SE) Shri Kevito had retired on 28.2.12 and even though the new Director has been appointed, he has not been appointed as the 1<sup>st</sup> FAA.
  5. The RTI application submitted by the applicant on 19.9.2011 was received by Shri Shilu, Dealing Assistant in charge of RTI matters on 19.9.2011. Subsequently, the application was forwarded by Shri IMNASOWA HM attached/PIO Education Directorate to the concerned PIO, under Section 6 (3) of RTI Act to the PIO (SSA) as it was not a subject which was dealt with by him.
  6. Mr. P. Tep, the PIO concerned who was holding the post of PIO, SSA when the application was filed on 19.9.2011 stated that since he was not sitting in the Directorate where the RTI application was initially filed, he has not even seen the RTI application forwarded to him by Shri IMNASOWA HM attached and PIO. He therefore admitted that he was not in a position to furnish the information for this reason. Since Mr P. Tep, the then PIO/SSA was sitting in another office building in the Old Secretariat the **benefit** of doubt is given to him and his explanation for not furnishing the information sought is accepted and no accountability imposed on him. Mr P. Tep was subsequently relieved of the SSA subject and Shri K. Angami verbally asked to take charge as PIO, SSA.
  7. The concerned FAA before whom an appeal was filed by the petitioner on 21.10.2011 did not dispose the appeal case and retired on **29.2.2012**.

The improper handling of the RTI application by the concerned PIO, the non disposal of the appeal by the then Director (SE) & FAA, the non issue of orders replacing the PIOs or appointing the new PIO i/c SSA has resulted in the RTI application not being attended by the former PIO and the FAA prompting the filing of appeal to the NIC by the appellant on **08.02.2012**.

### **Decision**

Taking into account the above mentioned findings and assurance of the Principal Director who has recently joined the Directorate of School

Education that he would facilitate furnishing of the information sought by the petitioner at the earliest, the **Commission decides as under:**

- (i) The information sought by the appellant namely Actual Payee Receipts against each sanction (School wise) for the period 2008-09, 2009-10, 2011 shall be furnished through the concerned PIO to the appellant **under intimation to the NIC** within 30 (thirty days) of the receipt of the decision/order;
- (ii) Under the provisions of Section 25 (g) (5) of the RTI Act 2005, the Commission recommends immediate action by the School Education Department at the Directorate and Secretariat levels as under:
  - (i) Appoint such officers in the Directorate as PIOs who are **directly handling** the 2 main flagship programmes namely SSA & RMSA so that prompt replies/information can be furnished. More PIOs can be appointed to look after other subjects like Administration etc. The appointment of another PIO in the rank of Joint Director is felt to be redundant and may be discontinued. The two Directors viz. Director (HS) and Director (Elementary) may be appointed as FAA for SSA and RMSA and other subjects as found appropriate/convenient.
  - (ii) In the Secretariat the two officers of the rank of Joint Secretary viz. JS (Estt.) and JS (Projects.) may be appointed as PIOs and the Commissioner & Secretary (SE) function as FAA.
  - (iii) A list of untrained PIOs of S.E. Department be forwarded to the Commission for taking follow up action.

Pronounced in the presence of all concerned.

Copy be given to the following:-

1. The Principal Director, School Education, Nagaland, Kohima.
2. The Joint Director, (Shri Pollem Tep) School Education, Nagaland, Kohima.
3. The Joint Director, (Shri K. Kire) School Education, Nagaland, Kohima

4. The Deputy Director, (Dr. Chuba Imchen)  
School Education, Nagaland, Kohima.
5. The Dy. Mission Director, SSA, Nagaland,  
Kohima.
6. Shri R.Paphino, Chairman, Vigilance Cell,  
NPCC, Congress Bhavan, Kohima.

In view of the recommendations made copy be also given to the Commissioner and Secretary, School Education.

Sd/-  
**Lalhuma IAS (Rtd)**  
Chief Information Commissioner,  
Nagaland, Kohima

Sd/-  
**Kevinino P.Meru**  
State Information Commissioner,  
Nagaland, Kohima.

Sd/-  
**Bukchem Phom**  
State Information Commissioner,  
Nagaland, Kohima

Authenticated by

Secretary  
Nagaland Information Commission