

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



No.NIC/Appeal-20/2011-12/

Dated Kohima, the 25th July, 2012

Appellant: Shri. Pagai N dang, Peren village,
Contact M/Ph. No. 9856461322

Respondent: Deputy Commissioner, Peren, Nagaland.

Public Authority: Office of the Deputy Commissioner,
Peren, Nagaland.

Date of hearing: 25.07.2012

Date of final decision: 25.07.2012

Present:

1. Shri. Lungheising, Addl. Deputy Commissioner, Peren, Nagaland.
2. Ms. Zuring Madeliang, EAC & APIO, Nsong, Office of the Deputy Commissioner, Peren, Nagaland.
3. The appellant, Mr. Pagai N dang, C/o Hiareurangbe, Office of the Deputy Commissioner, Peren, Nagaland.

THE FACTS OF THE CASE

During the hearing on 25.07.2012, the Commission directed the Deputy Commissioner, Peren to furnish the file in which the RTI application filed by Mr. Pagai N dang on 15.12.2011 which was received by ADC, Peren Shri. Lungheising. The Commission also directed the Deputy Commissioner, Peren to furnish the legible copies of the reply furnished by the ADC and PIO, office of DC Peren to the applicant Mr. Pagai N dang.

The Commission also fixed 26.6.2012 for the next hearing in order to get to the facts of the case.

However, due to the request made to defer the hearing on 26.6.2012 due to demise of the mother of ADC, Shri. Lungheising, accordingly the date for hearing was deferred to 25.07.2012 at 1:00 PM.

FINDINGS

After perusing the file dealing with the RTI matters maintained by the office of the Deputy Commissioner, Peren, the Commission observed that though the ADC, Shri Lungheising who was not officially appointed as PIO had signed on the body of the RTI application filed by the petitioner Pagai Ndang on 15.12.11, there is no notings in the note sheets of the said file to prove that the RTI application received by Shri Lungheising on 16.12.2011 was ever processed. This is a serious lapse.

As per the records in the note sheets of the RTI file produced before the Commission, only the appeal filed by the petitioner on 10.2.2012 was processed. However, the then DC & FAA did not seem to have conducted the hearing nor passed any quasi judicial decision on the appeal filed before her. The records only showed that **directions** were issued to furnish the reply to the petitioner which is apparently the reply furnished by the EAC in the office of the DC, Peren on 6.2.2012 to the appellant.

The Commission observes that the office of the DC, Peren has approached the whole RTI matter very casually. The PIO of DC's Office, Peren on the directive of the Commission furnished more detailed reply to the petitioner on 7.5.2012. However, the petitioner was still not satisfied with the figures furnished by the PIO in the office of the DC, Peren stating that as per the letter of Home Department, Relief Branch's letter No.RR.NATC/5/2007-08 (Pt.) dated 24.10.2011 the total amount sanctioned for Peren District was Rs. 74,74,775.00 and that this was to be split into four sectors namely: Horticulture, Animal Husbandry, Agriculture and Sericulture.

The ADC, Peren and EAC, Peren who were present stated that they had never received a copy of afore-mentioned sanction order from the Home Department as well as break up of Rs.74.74 lakhs into the four sectors and that the only amount received by the office of the DC, Peren was Rs. 25 lakhs (Rs. 20 lakhs for calamity relief and Rs. 5 lakhs for emergency relief funds of the DC, Peren).

Decision of the Commission

Considering the facts and findings cited and the denial by ADC and EAC, Peren to having received any funds beyond Rs. 25 lakhs under Calamity Relief and having no copy or knowledge about Home Department sanction order No.RR.NATC/5/2007-08(Pt.) dated 24.10.2011 amounting to Rs. 74,74,775.00 and breakup into 4 sectors, the Commission directs as under:-

1. The DC & FAA, Peren who is also the Head of the District Administration shall file affidavit in which the following shall be incorporated:-
 - (a) That the Peren District has received only Rs. 25.00 lakhs as Calamity Relief during 2009-10 and no directions have been given or received from the Govt. to cover 4 sectors under calamity relief.
 - (b) That the office of the DC, Peren has never received sanction copy issued by the Home Deptt. vide No.RR.NATC/5/2007-08(Pt.) dated 24.10.2011 along with the Annexure where an amount of Rs. 74,74,775.00 was indicated as sanctioned under drought relief under 4 sectors.
 - (c) That the only records in the file which was processed pertains to the appeal filed by the petitioner before the Appellate Authority on 10.2.2012 and received on 10.2.2012. For reasons which is to be ascertained, the application received by ADC, Peren, Shri Lungheising on 16.12.2011 has not been processed in the concerned RTI file exhibited to the NIC on 25/7/2012.
 - (d) That the office of the DC Peren is not aware of the sanction order of the Home Deptt. No.RR.NATC/5/2007-08 (Pt.) dated 24.10.2011 and has not received any additional funds under calamity relief beyond Rs. 25 lakhs sanctioned on 23.9.2010 vide No.RR.NATC/1/2007 (Pt.) dated 23.9.2010 and is therefore not in a position to furnish any more details regarding the amount of Rs. 74, 74,775.00 alleged by the applicant to have been released to the DC, Peren under calamity relief.

The DC & FAA, Peren District shall file this affidavit within 15 days of the receipt of the order and furnish the copy to the appellants, Shri. Pagai Ndang with a copy to the Nagaland Information Commission.

2. Secondly, DC & FAA, Peren may ensure that all PIOs under his charge and also FAA are appointed formally by the authorized Public Authority.
3. With the filing of the affidavit in question by the DC & FAA, Office of the DC, Peren the case will be declared closed.

Decision pronounced **today** the 25th July, 2012.

Copies be given to:

1. The Deputy Commissioner, Peren, Nagaland.
2. The Addl. Deputy Commissioner, Peren, Nagaland.
3. Ms Zuring Madeliang, EAC & APIO Nsong, Office of the DC, Peren, Nagaland.
4. The appellant Shri Pagai Nsang, C/o Hiareurangba, Office of the DC, Peren, Nagaland.

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