

NAGALAND INFORMATION COMMISSION
AGRI-FARM COLONY, LANE-6, H/NO. AFC-578
NAGALAND, KOHIMA-797001

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No. NIC/COMPLAINT-5/2022-23

Dated Kohima, the 29th August, 2022

Complainant : Shri. L. Doji Tsinger,
Convenor,
Kiphire District, UNESCO Club
Kiphire.

Respondents : (i) Shri. T. Wati Aier,
Deputy Commissioner & FAA,
Kiphire, Nagaland-798611.

(ii) Shri. D. Robin,
ADC & PIO,
O/o the Deputy Commissioner,
Kiphire, Nagaland-798611.

(iii) Shri. James Khulu Tikhir,
SDO (C) HQ & APIO,
O/o the Deputy Commissioner,
Kiphire, Nagaland-798611.

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

Date of hearing : 23/08/2022 at 11:30 A.M.

Date of Decision : 29/08/2022.

Present:

1. Shri. T. Wati Aier, Deputy Commissioner & FAA, Kiphire, Nagaland-798611.
2. Shri. D. Robin, PIO, O/o the Deputy Commissioner, Kiphire, Nagaland-798611.
3. Shri. James Khulu Tikhir, SDO (C) HQ & APIO, O/o the Deputy Commissioner, Kiphire, Nagaland-798611.
4. The applicant (now complainant), Shri. L. Doji Tsinger, Convenor, Kiphire District, UNESCO Club Kiphire-798611.

FACT OF THE CASE

The Commission had on **05/03/2021** received a complaint dated **04/03/2021** from Shri. L. Doji Tsinger, Convenor, Kiphire District, UNESCO Club Kiphire against the non-response of the PIO to his RTI application dated **03/11/2020**.

The applicant, Shri. L. Doji Tsinger, had submitted an RTI application vide letter No.UCK/Dist dated **03/11/2020** along with an application fee of Rs. 10 (Ten) addressed to the PIO, O/o the Development Commissioner, Govt. Of Nagaland, seeking the following information regarding District Aspiration Fund 2018-2020 as mentioned below:

- a) *Budget District Aspiration Fund Kiphire total amount.* - Xerox Copy
- b) *Budget received of State 2018-2020 total amount.* - Xerox Copy
- c) *Budget & Fund utilization total amount 2018-20.* - Xerox copy
- d) *Construction of Village wise and department wise with sanctioned 2018-2020 total amount.* - Xerox copy
- e) *Budget target 5 years term 2018-2022 balance account total amount.* - Xerox copy

On receipt of the RTI application on 03/11/2020, Shri. Nosazol Charles, Addl. Development Commissioner had, vide letter *No.PLN-45/RTI/AD/2020-21* dated **05/11/2020** transferred the RTI application to the Deputy Commissioner, Kiphire with a request to furnish the required information to the applicant directly with a copy to his Department.

On not getting any response from the Deputy Commissioner, Kiphire to their RTI Application, the applicant had submitted second appeal dated **01/02/2021** but addressed to the PIO, Office of the Development Commissioner, Govt. of Nagaland which was an exact replica of his earlier RTI application.

On receipt of the second appeal on 01/02/2021, Shri. Nosazol Charles, Addl. Development Commissioner had again, vide letter *No.PLN-M-669/19* dated **03/02/2021** transferred the second appeal to the Deputy Commissioner, Kiphire, with a request to furnish the required information to the applicant at the earliest possible with a copy to his Department for record.

On receipt of the Complaint dated **04/03/2021**, the Commission had, vide letter *No.NIC/Gen/RTI-19/17* dated **28/04/2021** directed the Deputy Commissioner & FAA, Kiphire, Nagaland to furnish the complete information as sought within 30 (thirty) days from the date of receipt of its directive and to submit action taken report to the Commission.

In compliance to the Directive of the Commission dated **28/04/2021**, Shri. James Khulu Tikhir, SDO (C) HQ & APIO had, vide letter *No. DC/KPE/RTI-1/2018-19* dated **25/05/2021** furnished the information to the applicant as shown below:-

Query No. 1: No separate budget as Aspiration Fund.

Query No. 2: 100 Lakhs.

Query No. 3: Annexure- I, II,III,IV& V.

Query No. 4: No specific budget.

Since the Commission is not satisfied and convinced with the above information furnished by the APIO, the Commission has decided to hear the above mentioned complaint giving opportunity of being heard to all the parties on **23rd August, 2022 (Tuesday) at 11:30 A.M in the Hearing Room of Nagaland Information Commission, Agri-farm Colony, Lane-6, H/No. AFC/578, Nagaland, Kohima** and had directed to appear before this Commission and **also to bring the files and relevant documents** in question for scrutiny on the above date and time for hearing.

1. The Deputy Commissioner & First Appellate Authority, O/o The Deputy Commissioner, Kiphire, Nagaland-798611.
2. The PIO, O/o The Deputy Commissioner, Kiphire, Nagaland-798611.
3. Shri. James Khulu Tikhir, SDO (C) HQ & APIO, O/o The Deputy Commissioner, Kiphire, Nagaland-798611.
4. The applicant (now complainant) Shri. L. Doji Tsinger, Convenor, Kiphire District, UNESCO Club Kiphire-798611.

OBSERVATIONS AND FINDINGS:

The applicant(now appellant), Shri. L. Doji Tsinger stated that District Aspirational Fund was given/ sanctioned however, since there was no visible works, he had filed the RTI wanting to know the sanction funds from Government of India, amount received and works undertaken. He also stated that he had received the information from the PIO on 25/05/2021. However, he was not satisfied with the information provided as there were no details of funds allocated to the Districts and breakup of funds utilization.

Shri. James Khulu Tikhir, SDO (C) HQ & APIO,O/o the Deputy Commissioner, Kiphire, Nagaland-798611 stated that he had received the RTI application dated 03/11/2020 on 26/11/2020 which was transferred from the Planning Department on 05/11/2020. He further informed that Smti. Nyempo Wallim, the then ADC & PIO, O/o the Deputy Commissioner, Kiphire, Nagaland-798611 had, vide letter No. DC/KPE/KPE/RTI-1/2018-19/1753 dated 20/11/2020 (but signed on 26/11/2020) furnished the replies addressed to the Addl. Development Commissioner, Planning & Co-ordination Department, Nagaland,

Kohima and a copy of the above letter was produced before the Commission during the hearing.

Again on 04/02/2021 the office of the DC, Kiphire had received another letter dated 03/02/2021 from the Planning Department along with similar RTI application dated 01/02/2021 on the same queries sought earlier and reminding to furnish the information to the applicant with a copy to the Planning Department. As directed by the Commission dated 28/04/2021, Shri. James Khulu Tikhir, SDO (C) HQ & APIO, O/o the Deputy Commissioner, Kiphire, Nagaland-798611 had furnished the information alongwith ANNEXURE to the applicant on 25/05/2021 with a copy to the Addl. Development Commissioner, Planning and Co-ordination and the Nagaland Information Commission.

The Commission observed that since the information furnished by Smti. Nyempo Wallim, ADC & PIO, O/o Deputy Commissioner, Kiphire, was addressed to the Addl. Development Commissioner, Planning & Co-ordination Department and no copy was endorsed to the applicant, the applicant had no knowledge of his RTI reply dated 26/11/2020. The applicant had received the information only on 25/05/2021 when Shri. James Khulu Tikhir, SDO (C) HQ & APIO had, vide letter No. DC/KPE/RTI-1/2018-19 dated 25/05/2021 furnished the replies addressed to the applicant with a copy to the Planning & Co-ordination and to the Commission, which is as given below:-

Query No. 1: No separate budget as Aspiration Fund.

Query No. 2: 100 Lakhs.

Query No. 3: Annexure- I, II, III, IV & V.

Query No. 4: No specific budget.

On the above reply to his RTI application, the applicant (now complainant) submitted that:-

Query 1: Satisfied.

Query 2: Satisfied.

Query 3: Satisfied.

Query 4: Not satisfied.

Regarding reply to query No. 4, Shri. James Khulu Tikhir, SDO (C) HQ & APIO clarified that funds are directly sanctioned to the concerned departments and hence the DC office is not aware of the works or the funds received by the other Departments.

Query 5: Not satisfied.

Shri. T. Wati Aier, Deputy Commissioner & FAA explained that the aspirational fund is under Corporate Social Responsibility and not Government of India. Hence, the District Aspirational Fund is an amalgamation of funds under Chief Minister Corpus Funds, CSR funds of HUDCO, NEC, REC and Oil India Limited, and there is no separate 5 year plan or specific budget allocation from the Center or the State governments. However, the FAA had submitted that due to the COVID Pandemic the progress of the projects had been halted/ slowed down, but after post COVID the projects have been resumed and some completed as per the proposal. A copy of the compilation of projects & schemes taken District Aspirational fund was also produced before the Commission.

On the above explanation, the applicant (now complainant), Shri. L. Doji Tsinger had expressed his satisfaction before the Commission during the hearing.

The Commission appreciated the applicant in filling RTI on District Aspirational Fund as many initiatives & programmes are under taken by the Govt, however, the public are not aware of such activities. The Commission also commended the DC & FAA for the compilation of all projects under Kiphire Aspirational Districts and in giving the

explanation/ clarification on the District Aspirational fund to the satisfaction of the applicant and the Commission as well.

The Commission observed that though the Planning Department letter No.PLN-45/RTI/AD/2020-21dated 05/11/2020 to the DC, Kiphire stated that information to be furnished directly to the applicant with a copy to the Planning Department, Smti. Nyempo Wallim, ADC & PIO, O/o Deputy Commissioner, Kiphire had on 26/11/2020 furnished the information to the Planning Department, but no copy of the information was given to the applicant and for which the applicant was not aware or received the information. Hence, there was maximum delay for which maximum penalty is attracted.

DECISION

On the above observation and findings, the Commission decided that Smti. Nyempo Wallim, former ADC & PIO, O/o Deputy Commissioner, Kiphire now posted at Nagaland Civil Secretariat as Deputy Secretary, Labour & Employment is to show cause as to why, under Section 20 (1) of the RTI Act, 2005, she should not pay penalty at the rate of Rs. 250/- per day of delay for the delay of more than 100 days, amounting to Rs. 25,000 (Rupees twenty five thousands only) for contributing to the delay in furnishing the information to the applicant (now complainant). The reply to the above show cause notice shall be complied within **15 (fifteen) days** from the date of receipt of this decision.

Decision pronounced in the presence of both the parties on 23/08/2022 at 11:30 A.M.

Copies be given to:

1. Shri. T. Wati Aier, Deputy Commissioner & FAA, Kiphire, Nagaland-798611.
2. Smti. Nyempo Wallim, Former PIO, O/o the Deputy Commissioner, Kiphire, Nagaland-798611, now posted at Nagaland Civil Secretariat as Deputy Secretary, Labour & Employment.
3. Shri. James Khulu Tikhir, SDO (C) HQ & APIO O/o The Deputy Commissioner, Kiphire, Nagaland-798611.
4. The applicant (now complainant), Shri. L. Doji Tsinger, Convenor, Kiphire District, UNESCO Club Kiphire-798611.
5. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
6. Office Copy.

Sd/-

I. MEYIONEN JAMIR
Chief Information Commissioner

Authenticated true copy:

(Worhonthung Ezung)
Deputy Secretary