

NAGALAND INFORMATION COMMISSION
AGRI-FARM COLONY, LANE-6, H/NO. AFC-578
NAGALAND, KOHIMA-797001
Email: cic.nagaland@gmail.com | Website: www.nlsic.nagaland.gov.in



No. NIC/ APPEAL-30/2022-23

Dated Kohima, the 9th November, 2022

Appellants : (i). Shri. Inato Y. Chisho,
Social Activist, Mobile No. 9863302011.

(ii). Shri. H. Kivika Achumi,
Dimapur, Mobile No. 7005320788.

Respondents : (i) Shri. Neidilhou Angami,
Director & FAA,
Economics & Statistics,
Nagaland, Kohima-797001.

(ii) Shri. Kezhalelhou Solo,
Deputy Director & PIO,
Directorate of Economics & Statistics,
Nagaland, Kohima-797001.

Public Authority : Directorate of Economics & Statistics, Nagaland, Kohima.

Date of hearing : 26.10.2022 at 01:00 P.M.

Date of Decision : 09.11.2022

Present:

1. Shri. Kezhalelhou Solo, Deputy Director & PIO, Directorate of Economics & Statistics, Nagaland, Kohima-798611, Mobile No. 9774089033.
2. Shri. Vikosieto Krose, APIO, Directorate of Economics & Statistics, Nagaland, Kohima-798611, Mobile No. 7005124058.
3. The applicant (now appellant), Shri. Inato Y. Chisho, Social Activist, Mb- 9863302011 and Shri. H. Kivika Achumi, Dimapur, Mobile No. 7005320788.

The Director & FAA **did not** appear for the hearing.

FACT OF THE CASE

Two applicants, Shri. Inato Y. Chisho and Shri. H. Kivika Achumi had jointly submitted RTI application dated NIL along with RTI application fee of Rs. 10 addressed to the Public Information Office, Directorate of Economics & Statistics, Nagaland, Kohima seeking the following information on the *scheme of Support for Statistical Strengthening (SSS) from the year 2020 till date:-*

- 1) *Total amount of money received from both Center and State.*
- 2) *Activities carried out/ and the amount of expenditure initiated under the scheme.*
- 3) *Photographs of seminars or activities conducted.*
- 4) *Photocopy of sanctioned order, utilization certificate countersigned by the officer to support the claim.*

The RTI application dated NIL was received on 16/06/2022 by the APIO as evidenced on the body of the application, however since there was no information received to their RTI application, the applicants had submitted first appeal dated NIL to the Appellate Authority, Directorate of Economics & Statistics, Kohima, Nagaland.

The first appeal dated NIL was received on 21/07/2022 by the PIO & Dy. Director of Economics & Statistics as evidenced on the body of the first appeal however, since there was no response of the FAA to their First Appeal, the applicants (now appellants) had submitted Second Appeal to the Nagaland Information Commission dated NIL and which was received by the Commission on **22/09/2022**.

Since there was neither any response of the FAA to their first appeal nor from the PIO to their RTI application within the stipulated time frame, the Commission has decided to hear the above mentioned appeal by giving opportunity of being heard to all the parties on **20th October, 2022 (Thursday) at 01:00 P.M in the Hearing Room of Nagaland Information Commission, Agri-farm Colony, Lane-6, H/No. AFC/578, Nagaland, Kohima** 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 with preventive measures such as wearing of face mask and social distancing etc.

1. The Director & First Appellate Authority, Economics & Statistics, Nagaland, Kohima.
2. Shri. Kezhalelhou Solo, Dy. Director & PIO, Directorate of Economics & Statistics, Nagaland, Kohima-798611.
3. The applicants (now appellants) Shri. Inato Y. Chisho, Social Activist, 9863302011 and Shri. H. Kivika Achumi, Dimapur, 7005320788.

However, on the request of the applicants to postpone the hearing fixed on 20.10.2022 at 1:00 PM on account of All Nagaland College Students' Union (ANSCU) Collegiate Meet scheduled from 17th to 21st October, 2022, the Commission had accepted their request and rescheduled the hearing on **26th October, 2022 (Wednesday) at 01:00 P.M.**

OBSERVATIONS AND FINDINGS:

Shri. Neidilhou Angami, Director & FAA, Economics & Statistics, Nagaland, Kohima did not appear for the hearing and the Commission had, on the day of the hearing i.e. 26.10.2022 received a letter dated 25.11.2022 from the FAA stating that he would not be able to attend the hearing due to his scheduled health check-up at Guwahati.

The Commission had accepted his request and conducted the hearing with the PIO and APIO in attendance.

The applicants (now appellants) stated that they had filed the RTI application on 16.06.2022, however since they did not receive any information within the time limit, first appeal was submitted. Further still since there was no response to their first appeal, a second appeal was filed to the Commission.

Shri. Kezhalelhou Solo, Dy. Director & PIO, Directorate of Economics & Statistics stated that he had received the RTI application on 16.06.2022 and the information was compiled and kept ready by 15.07.2022. Since no postal correspondence address was given, he had tried to telephonically inform the applicants to collect the information, however their mobile numbers were not reachable, and hence the information could not be furnished on time. A copy of the information which was readied was produced before the Commission during the hearing, and a copy was also furnished to the applicants during the hearing.

The applicants (now appellants) stated that their mobile phones were working and they did not receive any call or WhatsApp message informing them to collect the information.

The Commission observed that no effort was made to inform the applicants by SMS or WhatsApp and the PIO could not provide any evidence regarding the intimation to the applicants.

On being asked why the FAA did not hear the first appeal, Shri. Vikosieto Krose, APIO, Directorate of Economics & Statistics, replied that since the complete information was kept ready they had briefed the FAA not to hear the first appeal.

Shri. Kezhalelhou Solo, Dy. Director & PIO, Directorate of Economics & Statistics stated that when the applicants came to file their first appeal, the FAA was in the Secretariat and the APIO was on leave, and on enquiry about the RTI file, he learnt that the APIO had kept the files in his drawer and proceeded on leave as RTI files/ matters are usually kept with the APIO. And on return from five (5) days sick leave, the APIO had also admitted that he had kept the RTI files in his drawer. The Commission pointed out that under Section 5(2) of the RTI Act, 2005, the APIO is only to assist the PIO and can receive the RTI application or appeals for forwarding the same to the PIO. The APIO was advised to hand over the charge of RTI matters to some officers whenever he goes on leave, so that delays in furnishing information are avoided.

The Commission observed that from the date of receipt of the RTI application on 16.06.2022 till the date of furnishing the information during the hearing on 26.10.2022, there was a delay for more than 100 days for which maximum penalty is attracted. Shri. Kezhalelhou Solo, Dy. Director & PIO, Directorate of Economics & Statistics had also admitted the delay in furnishing the above information to the applicants (now appellants).

The Commission also observed that the Director & FAA did not hear the first appeal submitted by the applicants and hence cautioned to take RTI matters seriously. Deciding on appeals is a quasi-judicial function and being an appellate authority, the Director & FAA should hear first appeals whenever he receives by calling both the parties for a hearing and pass decision.

DECISION

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

1. Since the information was furnished after the 30 days time limit during the hearing on 26.10.2022, under Section 7(6) of the RTI Act, 2005, Shri. Kezhalelhou Solo, Dy. Director & PIO, Directorate of Economics & Statistics, Nagaland, Kohima-798611, shall furnish the complete information as sought to the applicants (now appellants) **free of cost within 15 (Fifteen) days** from the date of receipt of this decision and with a copy to the Commission.
2. On receipt of the information, the applicants (now appellants) shall submit satisfaction or non-satisfaction to the PIO with a copy to the Commission **within 15 (fifteen) days** from the date of receipt of the information. In case, no confirmation is received from the applicants (now appellants) within the time frame given by the Commission, the case shall be presumed as satisfied and no further request to re-open the case shall be entertained.
3. Under section 20(1) of the RTI Act, 2005, penalty at the rate of Rs. 250/- per day for the delay of more than 100 days, amounting to Rs. 25,000 (Rupees twenty five thousands only) is imposed on Shri. Kezhalelhou Solo, Deputy Director & PIO, Directorate of Economics & Statistics, Nagaland, Kohima, for contributing to the delay in furnishing the information to the applicants (now appellants).

The above penalty amount shall be paid **within 15 (fifteen) days** from the date of receipt of this decision. The penalty amount shall be deposited into the Government account through **treasury challan** in favour of the Accounts Officer, Nagaland Information Commission, Kohima under the Head of Account given below, with a copy (in original) to this Commission:-

0070- Other Administrative Services.

60- Other Services.

118- Receipts under RTI Act, 2005.

Decision pronounced in the presence of both the parties on 26.10.2022 at 01:00 P.M

Copies be given to:

1. Shri. Neidilhou Angami, Director & FAA, Economics & Statistics, Nagaland, Kohima.
2. Shri. Kezhalelhou Solo, Deputy Director & PIO, Directorate of Economics & Statistics, Nagaland, Kohima-798611, Mobile No. 9774089033.

3. Shri. Vikosieto Krose, APIO, Directorate of Economics & Statistics, Nagaland, Kohima-798611, Mobile No. 7005124058.
4. The applicants (now appellants), Shri. Inato Y. Chisho, Social Activist, Mobile No. 9863302011 and Shri. H. Kivika Achumi, Dimapur, Mobile No. 7005320788.
5. The Accounts Officer, Nagaland Information Commission, Nagaland, Kohima.
6. The Computer Programmer, Nagaland Information Commission for uploading on the website.
7. Office Copy.

Sd/-
I. MEYIONEN JAMIR
Chief Information Commissioner

Authenticated true copy:

(Worhonhung Ezung)
Deputy Secretary