

NAGALAND INFORMATION COMMISSION
NAGALAND COMMISSIONS' COMPLEX
BELOW NBCC CONVENTION CENTER

Nagaland: Kohima-797001

Email: cic.nagaland@gmail.com | Website: www.nlsic.nagaland.gov.in



No. NIC/APPEAL-16/2023-24 /302

Dated Kohima, the 20th May, 2024

SHOW CAUSE NOTICE

WHEREAS, the Commission had received a second Appeal dated **12.10.2023** from Shri. Imkongchingba Phom & Shri. L Shahchong against the non response of the FAA to their First Appeal dated **03/07/2023** which was submitted against the non-response of the PIO to their RTI application dated **11/05/2023**.

2. AND WHEREAS, the applicants had submitted an RTI application dated **11/05/2023** addressed to the PIO & District Education Officer (DEO), Longleng, Nagaland along with RTI application fee of Rs. 10 seeking the following information:-

1. *Name list of all teachers transferred with post of Longleng District from 2010 till date. Kindly provide the detail documents produced by the incumbent.*
2. *Kindly furnish the cross transferred teachers in details from 2010 till date. Mention the school of the both parties and NOC produced.*
3. *Kindly separate the teachers with post and cross transferred producing NOC and without NOC from 2010 till date.*
4. *Kindly furnish the Incumbency list of all Govt. Schools from Primary to Secondary under Longleng District from 2010 till date. Kindly separate the incumbency list from 2010-15 and 2010 till date.*

3. AND WHEREAS, on non-receipt of any information from the PIO, the applicants had filed first appeal dated 03/07/2023 to the FAA, O/o the District Education Officer (DEO), Longleng, Nagaland.

4. AND WHEREAS, on not getting any response from the FAA to their first appeal, the applicants had submitted second appeal dated 12/10/2023 to the Nagaland Information Commission.

5. AND WHEREAS, on receipt of the second appeal on the same day i.e 12/10/2023, the Commission had, vide letter No.NIC/APPEAL-16/2023-24/145 dated 20/10/2023 advised the applicants to file first appeal to the rightful FAA which is the Principal Director & FAA, Directorate of School Education, Upper Bayavu Hill, Nagaland; Kohima- 797001 as their first appeal was addressed to the wrong FAA for which there was no response from the FAA.

6. AND WHEREAS, in compliance to the advice of the Commission, the applicants had filed first appeal to the FAA, Directorate of School Education on 29/10/2023, which the Public Authority had acknowledge vide letter No.ED/RTI/MISC-2/2017 dated 30/10/2023.

7. AND WHEREAS, on receipt of the first appeal, the FAA had on 06/11/2023 heard the first appeal and had, vide letter NO.ED/RTI/MISC-2/2017 dated 09/11/2023 passed decision as below:-

1. *For query No.1, the information shall be furnished by ADEO (i/c DEO Longleng) to the applicants within 20 (Twenty) days from 06/11/2023.*
2. *Data of DEO/ SDEO establishment shall be separately furnished.*
3. *The ADEO (i/c DEO Longleng) to work out proposal for re-deployment of all categories of teachers and furnish it to the Department so that the same may be included in the forthcoming Teachers Rationalization exercise.*

8. AND WHEREAS, on receipt of the first appeal decision, Shri. Kihovi Sema, District Education Officer, Longleng: Nagaland had, vide letter No.EDN/DEO/LLG/EST-8/2017-18/1017 dated 16/10/2023 furnished the information to the applicants (now appellants).

9. AND WHEREAS, the Commission had, vide letter No. NIC/APPEAL-16/2023-24/249 dated 19/02/2024 directed the applicants (now appellants) to confirm receipt and satisfaction of the information furnished by the PIO within 15 (fifteen) days from the date of receipt of this directive.

10. AND WHEREAS, in compliance to the Commission's directive dated 19/02/2024, the applicants (now appellants) had, vide letter No. PSC/RTI-1/2023-24/07 dated 08/04/2024 submitted to the Commission that the Department had furnished the information and the same received by the Phom Student Conference (PSC).

11. AND WHEREAS, Sec. 7(1) of the RTI Act, 2005, stipulated that the PIO, on receipt of a request under Section 6 shall, as expeditiously as possible, and in any case within 30 days of the receipt of the request either provide the information sought or reject the request in accordance with the provision of the RTI Act. However, the Commission had observed that the RTI application dated 11/05/2023 was received on the same dated i.e 11/05/2023 as evidenced on the body of the RTI application and the information could be furnished to the applicants only on 16/10/2023 (after the decision of the FAA dated 09/11/2023) which was after 189 days. Taking into account the 30 days time for the PIO to furnish the reply, the days of delay becomes $189 - 30 = 159$ days which exceeds 100 days, and hence attract the maximum penalty of Rs. 25,000/- (@ Rs. 250/- per day of delay and not exceeding Rs. 25,000/-).

12. NOW THEREFORE, you are, directed to submit to the Commission with all relevant documents in your support, within 15 (fifteen) days from the date of receipt of this notice as to why under Section 20(1) of the RTI Act, 2005 maximum penalty for the delay of more than 100 days, @ 250/- per days of delay amounting to Rs. 25,000/- shall not be imposed on you. In case you fail to submit your written explanation within the **15 days** given by the Commission, it will be presumed that you have no explanation to offer and final order imposing the penalty will be passed based on the material available on record.

To,

Shri. Kihovi Sema,
District Education Officer & PIO,
Longleng: Nagaland.

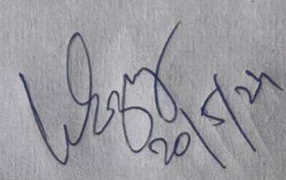
Sd/-

I. MEYIONEN JAMIR
Chief Information Commissioner

No. NIC/APPEAL-16/2023-24 / 302
Copy to:

Dated Kohima, the 20th May, 2024

1. The PS to the Chief Information Commissioner, Nagaland Information Commission for kind information of the Chief Information Commissioner.
2. The PA to the SIC (N), Nagaland Information Commission for kind information of the State Information Commissioner.
3. The PA to the SIC (K), Nagaland Information Commission for kind information of the State Information Commissioner.
4. The Principal Director & FAA, Directorate of School Education, Nagaland, Kohima.
5. Shri. Kihovi Sema, District Education Officer, Longleng: Nagaland.
6. The Accounts Officer, Nagaland Information Commission.
7. The Computer Programmer, Nagaland Information Commission for uploading on the website.
8. The applicants (now appellants), Shri. Imkongchingba Phom & Shri. L Shahchong, Nagaland.
9. Office Copy.


(WORHONTHUNG EZUNG)
Deputy Secretary