

**NAGALAND INFORMATION COMMISSION
NAGALAND COMMISSIONS' COMPLEX
BELOW NBCC CONVENTION CENTER**

Nagaland: Kohima-797001

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No. NIC/APPEAL-17/2023-24

Dated Kohima, the 20th May, 2024

SHOW CAUSE NOTICE

WHEREAS, the Commission had, on 13/10/2023 received a Second Appeal dated **12/10/2023** from Shri. Imkongchingba Phom & Shri. L Shahchong against the incomplete and unsatisfactory information furnished by the SDEO, Longleng, in response to their first appeal dated 03/07/2023 addressed to the FAA, O/o the District Education Officer (DEO), Longleng, Nagaland and which was submitted against the non-response of the PIO, O/o the SDEO, Longleng to their RTI application dated 11/05/2023 (received on the same date).

2. AND WHEREAS, the applicants had submitted an RTI application dated **11/05/2023** addressed to the PIO & Sub- Divisional Education Officer (SDEO), 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. School 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 receipt and in response to first appeal, Shri. Kihovi Sema, Sub-Divisional Education Officer, Longleng: Nagaland had, vide letter No.EDN/SDEO/LLG/RTI-59/2023/745 dated 24/07/2023 furnished the information to the applicants.

5. AND WHEREAS, on getting incomplete and unsatisfactory replies, the applicants (now appellants) had, vide letter No.PSC/LLG/SA/2023/01 dated 12/10/2023 submitted second appeal to the Nagaland Information Commission.

6. AND WHEREAS, on receipt of the second appeal, the Commission had, vide letter No.NIC/APPEAL-17/2023-24/146 dated 21/10/2023 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.

7. 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.

8. 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.*

9. AND WHEREAS, the Commission had, vide letter No. NIC/APPEAL-17/2023-24/290 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-1/2023-24/06 dated 08/04/2024 submitted to the Commission that the information furnished by the SDEO, Longleng was satisfactory.

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 from the date of receipt of the RTI application dated 11/05/2023 on the same date i.e 11/05/2023 as evidenced on the body of the RTI application to the date of furnishing the information to the applicants (now appellants) on 24/07/2023, the total number of days was 74 days. Considering the 30 days time for the PIO to furnish the information, the days of delay becomes $74-30=44$ days for which penalty is attracted.

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, penalty for the delay of 44 days, @ 250/- per days of delay amounting to Rs. 11,000/- (Rupees Eleven Thousand only) in furnishing the information to the applicants (now appellants) shall not be imposed on you. In case you fail to submit your written explanation **within the 15 (Fifteen) days** time 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,
Sub- Divisional Education Officer & PIO,
Longleng: Nagaland.

Sd/-

I.MEYIONEN JAMIR

Chief Information Commissioner

Dated Kohima, the 20th May, 2024

No. NIC/APPEAL-17/2023-24 /303
Copy to:

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, Sub- Divisional Education Officer, Longleng: Nagaland.
6. The Accounts Officer, Nagaland Information Commission for information.
- ✓ 7. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
8. The applicants (now appellants), Shri. Imkongchingba Phom & Shri. L Shahchong, Nagaland.
9. Office Copy.


(WORHONTHUNG EZUNG)

Deputy Secretary
Nagaland Information Commission