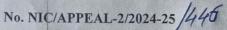


NAGALAND INFORMATION COMMISSION

Nagaland Commissions' Complex Below NBCC Convention Centre, Post Box - 148

Nagaland, Kohima - 797004

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



Dated Kohima, the 9th October, 2024

Appellant

Shri. Hanso Chang, Lerie Colony, Kohima

Mobile No. 8787815876.

Respondents

: (i) Shri. Thavaseelan K, IAS, Principal Director & FAA, Directorate of School Education, Nagaland, Kohima.

(ii) Shri. Razouseyi Vese,Additional Director & PIO,Directorate of School Education,Nagaland, Kohima.

(iii) Er. Hokato Sema, Executive Engineer, PWD (H) Education, Nagaland, Kohima.

Public Authority

Directorate of School Education, Nagaland, Kohima.

Date of first hearing

21.08.2024 at 11:00 AM.

Date of first Decision

30.08.2024.

Date of second hearing

04.10.2024 at 11:00 AM.

Date of second Decision

09.10.2024.

Present:

1. Shri. Thavaseelan K, IAS, Principal Director & FAA, Directorate of School Education, Nagaland, Kohima, Mobile No. 7005766737.

2. Shri. Razouseyi Vese, Additional Director & PIO, Directorate of School Education, Nagaland, Kohima, Mobile No. 8974866909.

3. Shri. Lamnya Khiam, Sr. Accounts Officer, Directorate of School Education, Nagaland, Kohima, Mobile No. 8974802056.

4. Shri. Zulukaba Aier, UDA, Mid Day Meal Section, Directorate of School Education, Nagaland, Kohima, Mobile No. 8132909823.

5. Shri. Longtsubo, Superintendent, Directorate of School Education, Nagaland, Kohima, Mobile No. 8729928378.

6. Shri. Chonbenthung, Dealing Assistant (RTI), Directorate of School Education, Nagaland, Kohima, Mobile No. 9856843650.

7. Shri. Zulukaba Aier, Project Manager (MDM), Directorate of School Education, Nagaland, Kohima, Mobile No. 8132909823.

8. The applicant (now appellant), Shri. Hanso Chang, Mobile No- 8787815876 had appeared virtually.

The following did not appear for the hearing.

1. Er. Hokato Sema, Executive Engineer, PWD (H) Education, Kohima, Nagaland, Mobile No. 8732872099.

FACT OF THE CASE

The Commission had on 21.08.2024 at 11:00 AM heard the Second Appeal dated NIL submitted by Shri. Hanso Chang, Mobile No. 8787815876 against the unsatisfactory reply given in response to his first appeal dated NIL which was submitted on 17.01.2024 against the non-

furnishing of reply by the PIO, Directorate of School Education to his RTI application dated 17.10.2023.

After the hearing, the Commission had passed order of even No. dated 30.08.2024 reserving its decision for point No. 4 as the public authority could not produce any proof or documents and in the absence of the concerned persons from the Mid Day Meal and Accounts Sections, the Commission could not determine the delay and the persons responsible for contributing to the delay.

The Commission, had therefore decided to hear the appeal once again by giving opportunity of being heard to all the parties, particularly the Mid Day Meal and Accounts Sections on 25th September, 2024 (Wednesday) at 12:00 Noon in the Hearing Room of Nagaland Information Commission, Nagaland Commissions' Complex, Below NBCC Convention Centre, Nagaland, Kohima and notified the following parties 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. Shri. Thavaseelan K, IAS, Principal Director & FAA, Directorate of School Education, Nagaland, Kohima.
- 2. The Addl. Director & PIO, Directorate of School Education, Nagaland, Kohima.
- 3. Er. Hokato Sema, Executive Engineer, PWD (H) Education, Kohima, Nagaland.
- 4. Mid Day Meal Section, Directorate of School Education, Nagaland, Kohima.
- 5. Accounts Section, Directorate of School Education, Nagaland, Kohima.

 6. The applicant (pays appelled) Shri II.
- 6. The applicant (now appellant), Shri. Hanso Chang, Mobile No- 8787815876.

However, on the request of the Principal Director & FAA, Directorate of School Education, Nagaland, Kohima vide letter No. ED/RTI-RPLY/2019-2020 dated 11.09.2024 for rescheduling of the hearing to a different date since the FAA and the PIO would be on official tour abroad from 14th to 30th September, 2024, the Commission had accepted the above request and hence rescheduled the second hearing on 4th October, 2024 (Friday) at 11:00 AM.

OBSERVATIONS AND FINDINGS

Er. Hokato Sema, Executive Engineer, PWD (H) Education, Kohima, Nagaland did not appear for the hearing and no subordinate official was also sent to represent him during the hearing. It was only during the hearing that the Commission was informed that he could not appear on health grounds. The Commission took a serious view for his absence in the hearing without any prior intimation and valid grounds in writing.

The applicant (now appellant), Shri. Hanso Chang did not appear physically in the hearing, however he had appeared **virtually** before the Commission in the hearing. He stated that since the public authority had fully provided him the information, he had, vide letter dated 19.09.2024 submitted to the Commission stating that he was **satisfied** with the information. Further, he had also vide letter dated NIL requested the Commission to grant him **compensation** as prayed for.

During the first hearing held on 21.08.2024, since the delay could not be ascertained due to the lack of documents and in the absence of the concerned persons from the Mid Day Meals and the Accounts Sections, the Commission had scheduled for a second hearing as decided at Point No. 4 of its first decision dated 30.08.2024.

Shri. Razouseyi Vese, Additional Director & PIO, Directorate of School Education, Nagaland, Kohima stated that on receipt of the RTI application dated 17.10.2023 on the same day i.e 17.10.2023, he had forwarded it to the Sr. Accounts Officer and the Executive Engineer, PWD (H) Education, Kohima on 19.10.2023 and as evidenced on the copy of the file movement register. The first appeal dated Nil which was received on 17.01.2024 was also endorsed to the Executive Engineer, PWD (H) Education and the Sr. Accounts Officer on 08.02.2024, as evidenced on the copy of the file movement register. He further explained that as per the practice in the public authority at the Directorate level, information to be furnished to RTI applicants are usually submitted to the PIO for onward furnishing to the applicant, whereas in the case of districts, information is given by the field officers directly to the applicants with a copy to the PIO. However, in the present case, he stated that he was not aware that the information had been furnished since the EE had furnished directly to the applicant and no intimation was given to him.

Shri. Lamnya Khiam, Sr. Accounts Officer, Directorate of School Education, Nagaland, Kohima also stated that the matter pertains to the Mid Day Meal Scheme however since the Lok Ayukta had seized the files and the documents for investigation in 2015, no information could be furnished to the applicant in the absence of the files and documents, and hence delay was caused. He further informed that the **Charge Sheet** was received from the Lok Ayukta only in September, 2024 after the first hearing and on the direction of the Commission.

However, the Commission explained that as per the rules of the Lok Ayukta (erstwhile Vigilance Commission), photocopies of the original files and documents are allowed to be taken so that even if the original files and documents are seized for investigation, the normal functioning of the office or the schemes can be continued and not stalled. Hence, the Commission was not convinced with the above submission of the Sr, Accounts Officer and therefore observed that in the absence of the original files and documents relating to the Mid Day Meal Scheme, the implementation of the scheme should not be affected, but rather continued in the interest of the public and particularly for the benefit of the school children.

Regarding the delay, the Commission observed that on receipt of the RTI application dated 17.10.2023 on the same date i.e. 17.10.2023, Shri. Razouseyi Vese, Additional Director & PIO had endorsed it to the Executive Engineer, PWD (H) Education, Kohima and the Senior Accounts Officer on 19.10.2023. Er. Hokato Sema, Executive Engineer, PWD (H) Education, Kohima, Nagaland had furnished the information directly to the applicant on 28.02.2024. Also on receipt of the first appeal, he had again furnished the reply to the applicant on 18.06.2024 which was on the same date as the FAA's hearing. Hence, counting from the date of the endorsement of the RTI application by Shri. Razouseyi Vese, Additional Director & PIO to Er. Hokato Sema, Executive Engineer, PWD (H) Education, Kohima, Nagaland on 19.10.2023 to the date of furnishing the information to the applicant (now appellant) on 28.02.2024, the number of days was 132 days. And considering the 30 days time limit for the PIO to furnish the information, the number of days of delay becomes, 132 - 30 = 102 days. However, taking into account of the holidays for one (1) day Statehood Day (1st December, 2023), ten (10) days of winter holidays from Christmas to New Year (23rd December, 2023 to 1st January, 2024) and one(1) day on Republic Day (26th January, 2024), totalling to 12 days of holidays, the final days of delay now becomes, 102 - 12 = 90 days, for which penalty is attracted.

In compliance to Point No. 1 (for Query No. 1) and Point No. 2 (for Query No. 4) to the decision of the Commission dated 30.08.2024, the Additional Director & PIO had furnished the information alongwith a copy of the Charge Sheet received from the Lok Ayukta to the applicant(now appellant) on 11.09.2024 and with a copy to the Commission. Also, on receipt of the information, the applicant(now appellant) had, in compliance to the Pont No. 3 of the decision of the Commission dated 30.08.2024, submitted his satisfaction of the information so received to the Commission on 19.09.2024.

The applicant(now appellant) had also vide letter dated NIL requested the Commission for compensation since he had to travel now and then from Tuensang to Kohima. However, since the applicant(now appellant) had given his address as "Lerie Colony" (which is in Kohima) in his RTI application and that the PIO had also furnished the information to the applicant(now appellant) at the above given address, the Commission was not convinced and hence did not accept his request for compensation.

The Commission further advised the Public Authority to maintain proper records and take RTI matters seriously.

ORDER

On the above observations and findings, the Commission ordered that:-

1. Since Er. Hokato Sema, Executive Engineer, PWD (H) Education, Kohima, Nagaland did not appear for the hearing on health grounds and no subordinate official was also sent to represent him during the hearing, the Commission directs that he shall submit a copy of his Medical Certificate to the Commission within one (1) week from the date of receipt of this Order.

2. Under Section 20 (1) of the RTI Act 2005, penalty at the rate of Rs. 250/- per day of delay for <u>ninety days (90) days</u> amounting to <u>Rs. 22,500.00</u> (Rupees twenty two Thousand and five hundred only) is imposed on Er. Hokato Sema, Executive Engineer, PWD (H) Education, Kohima, Nagaland for contributing to the delay in furnishing the information to the applicant (now appellant) without reasonable cause. The above penalty amount shall be paid within <u>within 15 (fifteen) days</u> from the date of receipt of this decision. Since penalty is imposed personally, the penalty amount shall be deposited into the Government account under his name, designation and signature through treasury challan in favour of the Accounts Officer, Nagaland Information Commission, Kohima under the Head of Account given below, with a copy of the treasury challan (in original) to this Commission:-

0070 - Other Administrative Services 60 - Other Services 118- Receipts under RTI Act, 2005

Since the applicant (now appellant) was satisfied with the information so furnished, on receipt of the above compliances, the Commission shall declare the appeal as closed.

Decision pronounced in the presence of both the parties i.e the respondents and the applicant (now appellant) (on virtual mode) on 04.10.2024 at 11:00 AM.

Copies be given to:

- 1. Shri. Thavaseelan K, IAS, Principal Director & FAA, Directorate of School Education, Nagaland, Kohima, Mobile No. 7005766737.
- 2. Shri. Razouseyi Vese, Additional Director & PIO, Directorate of School Education, Nagaland, Kohima, Mobile No. 8974866909.
- 3. Er. Hokato Sema, Executive Engineer, PWD (H) Education, Kohima, Nagaland, Mobile No. 8732872099.
- 4. The Accounts Officer, Nagaland Information Commission for information.
- 5. The Computer Programmer, Nagaland Information Commission for uploading on the website.
- 6. The applicant (now appellant), Shri. Hanso Chang, Mobile No- 8787815876.

7. Office Copy.

Sd/-I. MEYIONEN JAMIR

Chief Information Commissioner

Sd/-

T. KEKONGCHIM YIMKHIUNG

State Information Commissioner

Sd/-NOSAZOL CHARLES

State Information Commissioner

Authenticated true copy:

(Worhonthung Ezung Deputy Secretary