

NAGALAND INFORMATION COMMISSION

Nagaland Commissions' Complex

Below NBCC Convention Center

New Capital Complex

Kohima: Nagaland-797004

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No. NIC/APPEAL-16/2023-24

Dated Kohima, the 31st July, 2024

Subject: Notice for Hearing on 21st August, 2024 (Wednesday) at 12:00 Noon

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, O/o the DEO, Longleng, Nagaland, to their RTI application dated **11.05.2023**.

AND WHEREAS, the applicants had submitted a RTI application dated **11.05.2023** addressed to the PIO, O/o the District Education Officer (DEO), Longleng, Nagaland along with 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.

AND WHEREAS, on non-response of the PIO to the above RTI application, the applicants had submitted a First Appeal dated **03.07.2023** to the FAA, O/o the District Education Officer (DEO), Longleng, Nagaland.

AND WHEREAS, on not getting any response from the FAA to their First Appeal, the applicants had submitted a Second Appeal dated **12.10.2023** to the Nagaland Information Commission for necessary action.

AND WHEREAS, on receipt of the Second Appeal on **12.10.2023**, the Commission had observed that the First Appeal was addressed to the wrong FAA and therefore, the Commission had, vide letter **No. NIC/APPEAL-16/2023-24/145** dated **20.10.2023**, advised the applicants to file the First Appeal to the rightful FAA who is the Principal Director, Directorate of School Education, Nagaland, Kohima.

AND WHEREAS, in compliance to the Commission's advice, the applicants had, on **29.10.2023**, submitted the First Appeal to the Principal Director & FAA, Directorate of School Education, Nagaland, Kohima, and which had been acknowledged by the Public Authority vide **No. ED/RTI/MISC-2/2017** dated **30.10.2023**.

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.*

AND WHEREAS, in compliance to the First Appeal decision dated 09.11.2023 of the FAA, Shri. *Kihovi Sema*, District Education Officer, Longleng, Nagaland had, vide letter No. *EDN/DEO/LLG/EST-8/2017-18/1017* dated *16.11.2023*, submitted to the Principal Director & FAA, School Education, Nagaland, Kohima stating that the details of information alongwith incumbency list had been furnished to the applicant (now appellants) vide letter No. *EDN/DEO/LLG/EST-8/2017-18/1022* dated *16.11.2023* and had enclosed a copy of the information so furnished to the applicants (now appellants).

AND WHEREAS, the Commission had, vide letter of even No. 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 its directive.

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 had been received by the Phom Student Conference (PSC). Further, the applicants (now appellants) had, vide letter No. *PSC/RTI-1/2023-24/08* dated *08.04.2024*, submitted to the Commission that they had studied the information furnished thoroughly and was found to be satisfactory.

AND WHEREAS, the Commission had observed that though the RTI application dated 11.05.2023 was received on the same date, i.e., *11.05.2023* as evidenced on the body of the RTI application, the information could be furnished to the applicants only on *16.11.2023* (on the direction of the FAA vide decision dated *09.11.2023*) which was *189 days*. Taking into account the 30 days time for the PIO to furnish the reply, the number of days of delay becomes *189-30 = 159 days which exceeded 100 days*, and hence attract the maximum penalty of *Rs. 25,000/- (@ Rs. 250/- per day of delay and not exceeding Rs. 25,000/-)*.

AND WHEREAS, though the information had been received and satisfied by the applicants (now appellants), since there was delay in furnishing the information to the applicants (now appellants), the Commission had, vide letter of even No. Dated 20.05.2024, served Show Cause Notice to Shri. *Kihovi Sema*, District Education Officer & PIO, Longleng, Nagaland, to submit to the Commission *within 15 days* from the date of receipt of its notice, a written explanation along with all relevant documents in his support as to why under Section 20(1) of the RTI Act, 2005, maximum penalty for the delay of *more than 100 days, @ 250/- per day* of delay amounting to *Rs. 25,000/-* shall not be imposed on him.

AND WHEREAS, in response to the above Show Cause Notice, Shri. *Kihovi Sema*, DEO & PIO, Longleng, Nagaland had, vide No. *EDN/DEO/LLG/RTI-8/2023-24/1101* dated *03.07.2024*, submitted that he had appeared in person before the Commission on *13.06.2024* and as directed, he had submitted his explanation for delay of *74 days* in furnishing the information to the applicant (now appellant) as below: -

“

1. *That Sir, in the first place, some of the required documents (2010-2023) were missing/not able to trace out which was due to the shifting of the office complex to a new place as well as most of the Officers and staff from that time got retired.*
2. *Since the office could not trace out many requisite information, Schools were asked to produce any information available with them regarding the transfer and posting of teachers.*

3. One requirement was NOC from the SMC/SMDC regarding the transfer of the teachers. Therefore the office tried to contact all SMC/SMDC to produce copy of the NOC issued during the mentioned period for transfer of any teacher from their School. But this exercise also could not succeed due to frequent change of the SMC/SMDC Chairman and members.

Therefore Sir, in the process of the above mentioned reasons, the Office could not submit the report as required at the right time, which cause the delay in 74 days."

AND WHEREAS, since the Commission was not convinced with the above statement of Shri. *Kihovi Sema*, DEO & PIO, Longleng, Nagaland in reply to the Show Cause Notice and in order to clarify the difference in the number of days of delay in furnishing the information, the Commission has decided to hear the above mentioned appeal by giving opportunity of being heard to all the parties on **21st August, 2024 (Wednesday) at 12:00 Noon in the Hearing Room of Nagaland Information Commission, Nagaland Commissions' Complex, Below NBCC Convention Centre, New Capital Complex, Nagaland, Kohima.**

NOW THEREFORE, it is notified that the following parties are 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 **Principal Director & FAA**, Directorate of School Education, Nagaland, Kohima.
2. Shri. *Kihovi Sema*, District Education Officer & PIO, Longleng, Nagaland.
3. The applicants (now appellants), Shri. *Imkongchingba Phom & Shri. L Shahchong*, Longleng, Nagaland. Mb. Nos. 8787449263 / 8974999899.

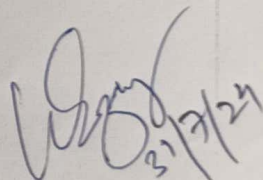
Sd/- **I. MEYIONEN JAMIR**
Chief Information Commissioner
Nagaland

No. NIC/APPEAL-16/2023-24/266

Dated Kohima, the 31st July, 2024

Copy to:

1. The PS to the CIC, 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 & PIO, Longleng, Nagaland, Mb. No. 9612445497.
6. The Computer Programmer, Nagaland Information Commission for uploading on the website.
7. The applicants (now appellants), Shri. *Imkongchingba Phom & Shri. L Shahchong*, Nagaland. Mb. Nos. 8787449263 / 8974999899.
8. Office Copy.


(**WORHONTHUNG EZUNG**)
Deputy Secretary