

NAGALAND INFORMATION COMMISSION
OLD SECRETARIAT COMPLEX,
POST BOX NO. 148
NAGALAND
KOHIMA – 797001

MEMORANDUM

Dated Kohima, the 20th May, 2009.

No. NIC/Appeal-25/2008. Nagaland Information Commission has received a letter dated 11.4.2009 from Shri Y. Ekyimo Kikon C/o Nribeni Kikon, Directorate of Employment Department, Kohima, Nagaland, stating that Pangti Village Council, Wokha District had served on him an ultimatum dated 5th April, 2009 asking him to withdraw his RTI application which he wrote to the PIO of DRDA Wokha on 20th October, 2008 seeking certain information regarding National Rural Employment Guarantee Schemes (NREGS) pertaining to Pangti Village. He requested the Commission to intervene in order to prevent any untoward situation/incident in future to his life while seeking information through the Right to Information Act, 2005.

The Commission has noted that the information seeker had sought information in exercise of right under Section 3 of the RTI Act, 2005 and according to provisions of Section 6 of the Act. The process of furnishing information by the respondent Public Authority i.e. Rural Development Department, (PIO DRDA Wokha) has gone through the various stages and the Commission has pronounced its decision in the Appeal No. NIC/Appeal-25/2008 on 13th May, 2008.

A photocopy of the ultimatum letter dated 5.4.2009 issued by Pangti Village Council, submitted to the Commission by Shri Y. Ekyimo is enclosed. It has asked Shri Y. Ekyimo Kikon to withdraw the RTI Act complain on or before 10.4.2009, failing which the Pangti Village Council would act against him according to their resolution No. 9. dated 20th February, 2009.

The Commission has examined the matter carefully. Pangti Village Council, Wokha District is a Council duly constituted under the Nagaland Village Council Act 1978, and hence it is also a “Public Authority” as defined under Section 2 (h) (c) of the RTI Act, 2005. This Village Council has issued an ultimatum to a citizen exercising his right under the RTI Act, 2005, to withdraw his RTI application failing which the Council would act against him as per their resolution.

It transpires that a Village Council, a body legally constituted under an Act of State Government, and a Public Authority, is indulging in obstructing a citizen from exercising his rights under the RTI Act, 2005. The Council has also threatened to take action according to their resolution if the information seeker fails to withdraw his RTI Application.

The Commission is constrained to take a serious view of this illegal obstruction by a legally constituted body and threat to information seeker under the RTI Act, 2005.

The Commission therefore request the Chief Secretary, Nagaland to

1. issue necessary direction to provide security by the State Government to the RTI Applicant Shri Y. Ekyimo Kikon against threat issued by Pangti Village Council and
2. issue necessary direction to the Administrative Department of the State Government administering the Nagaland Village Councils Act, 1978 i.e. Home Department to notify the Village Council of Pangti, Wokha that it is against the Law to obstruct citizens from exercising their rights under the RTI Act 2005.

P. Talitemjen
20.5.2009

(P. TALITEMJEN AO) IAS (Rtd)
Chief Information Commissioner,
Nagaland.

To

Chief Secretary,
Nagaland, Kohima.

Copy for information to:

1. Home Commissioner, Nagaland, Kohima.
2. Commissioner Nagaland, Kohima.
3. Commissioner & Secretary, Rural Development, Nagaland, Kohima.
4. Deputy Commissioner, Wokha, Nagaland.
5. Shri Y. Ekyimo Kikon C/o Nribeni Kikon, Directorate of Employment Department, Kohima, Nagaland.

P. Talitemjen
20.5.2009

(P. TALITEMJEN AO) IAS (Rtd)
Chief Information Commissioner,
Nagaland.