

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

No. NIC/Compln-2/2007

Dated Kohima, the 5th July , 2007

APPELLANT : SHRI K. C. ANGAMI,
PRESIDENT, (NGRC-I CU)

RESPONDENT : DEPARTMENT OF WORKS &
PUBLIC AUTHORITY HOUSING
OFFICE OF THE CHIEF ENGINEER
PWD(ROAD & BRIDGES)
GOVERNMENT OF NAGALAND

DATE OF HEARING - 2.5.2007
DATE OF DECISION - 5.7.2007

FACTS

The appellant Shri K.C. Angami submitted an application dated 28.8.2006 under RTI to the Public Information Officer, Office of the Chief Engineer, PWD (Road & Bridges) Nagaland, Kohima requesting for the following information related to supply and construction works allotted under the Department w.e.f. January, 2006 upto date

1. Copy of Notice Inviting Tender with clips of all the newspaper advertisements
2. Copy of Work Order
3. Original Cost
4. Bills of quantities
5. Contract agreement
6. Comparative statement of tenders.

On not receiving any response from the Public Information Officer within 30 days, the applicant submitted an appeal dated 9.11.2006 before the first Appellate Authority in the Office of the Chief Engineer PWD (Road & Bridges).

He did not receive any decision from the Appellate Authority within the statutory time limit.

He therefore preferred second appeal dated 19.3.2007 before the Commission and prayed for necessary action according to provisions of RTI.

The matter was heard by the full Commission on 2.5.2007. The following were present.

1. Shri K.H. Savi Advocate,
Legal Advisor
NGRC-I CU
2. Shri L. Yezhekhu Sumi
PIO and Additional Chief Engineer PWD (R&B), Nagaland
3. Shri N. Chielie,
Appellate Authority and Engineer in Chief, PWD, Nagaland.

Both the parties were given opportunity to make the statements and heard.

The PIO stated that he had joined the Department (i.e. the present Office) last year, that he was not intimated officially about the appointment of PIO of the department and also not aware of the receipt of RTI application dated 28.8.2006. He however informed the Commission that the Chief Engineer PWD (R&B) had written to the President of NGRC-I CU on 15.1.2007 requesting for 6 months time to complete the process for the documents sought earlier. He produced a photo copy of the letter of 15.1.2007, which made a reference to the letter (first Appeal) dated 9.11.2006, informing that there was no Appellate Authority in the Office of the Chief Engineer PWD(R&B) and that the appellants should approach the appropriate authority.

The Engineer in Chief and Appellate Authority informed the Commission that the Appeal dated 9.11.2006 was not received by him, and on receipt of notice given to him by the Commission he had come to attend the hearing.

The Appellant stated that they had not received any information in reply to their RTI Application dated 28.8.2006 and nor was the reported letter of Chief Engineer PWD(R&B) dated 15.1.2007 received, which he is learning about today only. He insisted that information should have been given within the prescribed 30 days as per requirement of the RTI Act. He however requested for time to check up again in his office if the letter of 15.1.2007 was ever received.

The Commission allowed a week's time for the appellants. Appellant on 10.5.2007 reported in writing that the letter of Chief Engineer PWD (R&B) dated 15.1.2007 was not received till day of hearing on 2.5.2007.

Decision Notice

The Commission finds that the PIO of the Department had not furnished any information to the applicant in response to the application dated 28.8.2006 within the given period of 30 days. The Commission is constrained to observe that though there is a clear receipt of having received the application in the PIO's Office on 28.8.2006, the PIO had maintained that he was unaware of the same.

The RTI Application of K.C. Angami dated 28.8.2006 was received in the office on 28.8.2006 and the information sought should have been furnished within the prescribed 30 days by 28.9.2006, under Section 7 (1) of the Act. The information sought for was not made available till the second appeal was submitted on 19.3.2007 nor is there any report that the same have been furnished to the appellants thereafter.

As per section 20 (1) of the RTI Act 2005 penalty is to be charged at a rate of Rs. 250/- per day, starting from the completion of 30 days from the date of receipt of the original application, till the actual date of providing the information, subject to a maximum of Rs. 25,000/- . Therefore, the penalty is liable to be imposed for the number of days from 29.9.2006 to the date the same is furnished.

Hence the PIO is directed to appear before the Commission on 20.7.2007 (Friday) at 1100 hours in the Zonal Council Hall, Kohima to show cause as to why he should not pay a penalty of Rs. 250/- per day for every day of delay in furnishing the documents/information sought to the appellants, subject to a maximum of Rs. 25,000/-.

The Commission hereby direct the PIO of the Department to furnish the information sought to the appellants free of cost within 10 (ten) working days from the date of pronouncement of this decision and report Compliance.

Pronounced in Open Proceedings today 5.7.2007.

Copy of this decision be given to the Parties.

One copy each be given to

1. The Commissioner and Secretary to Government of Nagaland, Works & Housing Department, Kohima.
2. The Engineer In Chief, PWD. Nagaland and Appellate Authority.
3. The Chief Engineer , PWD (Road & Bridges) Kohima, Nagaland.

(P. TALITEMJEN AO)
Chief information Commissioner,
Nagaland

(REV.DR. W. PONGSING KONYAK)
State Information Commissioner,
Nagaland

(DR. KUHOI K ZHIMOMI)
State Information Commissioner,
Nagaland.

Authenticated

(**ADINO**)
Sr. P.S. to Chief Information Commissioner,
Nagaland.