

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

No. NIC/Appeal-32/2009

Dated Kohima, the 25th November,2009.

Appellant : **Er. K. Kheshito,**
SDO PWD (Housing) Division
Dimapur, Nagaland.

Respondent : **Department of Works and Housing**
Public authority : **Office of the Executive Engineer, PWD (Housing)**
Nagaland, Dimapur.

Date of Hearing : **4.11.2009**
Date of Decision : **25.11.2009**

Present : **Shri Kheshito**
The PIO is not presnt.

Facts

Shri Kheshito SDO PWD (Housing Dimapur submitted an appeal under section 19 of the RTI Act 2005 to the Commission on 25.9.2009 stating that he had submitted an RTI application seeking information to the PIO, Office of the Executive Engineer PWD Housing Division, Dimapur on 20.4.2009, but not receiving any information, had appealed to the first Appellate Authority on 26.5.2009. The Appellate Authority had given decision but the PIO has not furnished complete information hence he appeals to the Commission.

Shri Kheshito had sought 6 items of information in his RTI application on 20.4.2009. The first Appellate Authority in his decision on 21.7.2009 directed the PIO to furnish the information sought at Serial Nos. 2,3 and 5 of the application to the appellant within 15 working days. The appellant is not satisfied with the information furnished by the PIO on 31.7.2009 and has submitted appeal to the Commission.

During the hearing on 4.11.2009. Shri Kheshito stated that he had not received information sought at item 1 of his application – whether payment of contractor bill can be made without any signature of the concerned SDO under the able control of Executive Engineer ? If so, under what provisions the payment of contractor bills be effected ? He submitted that the information given on item 2 of his application does not contain liability statement which he had sought, that the informations given on item 3 of his application do not indicate the name of the work and that details and particulars of 9 contractors listed at item 6 of his application were not given – their addresses and registration numbers should be given.

The PIO Shri C. Kelhoupu Rio, stated that information sought at item 1 of the application was not provided as the first Appellate Authority in his decision did not include the same. He submitted that in the information given on item 2 of the application, there is a column showing fund requirement, which is liability, though heading or explanation that it is liability has not been specifically written. He stated that the entire work is Housing and Rental Complex, hence at item 3 of the application, this name was used but names of different works within the Housing and Rental Complex can be given. Regarding item 4 of the application seeking detail format wise presentation in photocopies of MB No/Page No/Bill No./Date of Payment, he submitted that there are 100 Nos of MBs each containing 200 Pages, and hence on the appellants inspection and selection photocopies of selected pages as well as vouchers can be given. He also stated that the details of addresses and registration Nos of the 9 contractors are available and can be given.

The Commission note that the information sought have not been given in full in respect of items 2,3 and 4, and that information sought at items 1 and 6 have not been furnished. The PIO has submitted that information on item 1 was not given as 1st Appellate Authority had not directed, that information at item 3 information giving different names of works within Housing and Rental Complex were not given but can be furnished, that information sought at item 6 are available. He has also submitted that MBs can be inspected to select relevant pages by the appellant for photocopy. It is observed that information sought at item 2 – Liability statement has not been specifically furnished but the PIO has explained that the requirement of fund is to be understood as liability.

The Commission also observe that the information sought by the applicant in his application submitted on 20.4.2009, whichever were furnished, were given on 30.7.2009. The 30 days prescribed period for RTI application received on 20.4.2009 expired on 20.5.2009 and hence there is a delay w.e.f. 21.5.2009 till 29.7.2009 – of 70 days.

Under section 20 of the RTI Act 2005, a penalty at Rs. 250/- for each day of delay without reasonable cause in furnishing information sought is imposeable on the PIO subject to maximum of Rs. 25,000/-

DECISION

The Commission direct the PIO of the PWD Housing Division, Dimapur to furnish to the appellant the information sought at item 1 and 6 in full, the remaining informations sought at items 2 and 3, and allow inspection for information sought at item 4 for photocopy of relevant pages of the MBs, all free of cost, within 10 (ten) days from the date of pronouncement of this decision, under intimation to the Commission.

The Commission direct the PIO of PWD Housing Division Dimapur Shri C. Kelhoupu Rio to show cause as to why he should not pay penalty at Rs. 250/- for each day of delay in furnishing information sought for the period of 70 days w.e.f. 21.5.2009 to 29.7.2009, subject to maximum of Rs. 25,000.00. within 10 days from the date of this decision.

Pronounced in open proceedings today.

Copy be given to the parties.

Copy be given to

1. Commissioner & Secretary (Works & Housing) Nagaland, Kohima.
2. The Engineer in Chief, Nagaland, Kohima.
3. The Chief Engineer PWD Housing, Nagaland, Kohima.

Sd/-

P. Talitemjen Ao IAS (Rtd)
Chief Information Commissioner,
Nagaland

Sd/-

Rev.Dr. W. Pongsing Konyak
State Information Commissioner,
Nagaland

Sd/-

Dr. Kuhoi K Zhimomi
State Information Commissioner,
Nagaland.

Authenticated by me

Under Secretary
Nagaland Information Commission
Kohima