

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

No. NIC/Appeal-35/2009

Dated Kohima, the 17th December, 2009

Appellant : **Mr. Khohoto Sema, Chairman, Public Grievances
Cell E.U.U.N. Kohima.**

Respondent : **Nagaland Khadi and Village Industries Board,
Public Authority Kohima.**

Date of Hearing - **28.10.2009**

Date of Decision - **25.11.2009**

Date of Decision on reply to show cause - **17.12.2009**

Present - **1. Mr. Khohoto Sema
2. Mr. Ezanimo Lotha, Public Information Officer, Nagaland
Khadi and Village Industries Board, Kohima.**

The Commission in its decision on 25.11.2009 had directed Shri Ezanimo Lotha PIO of Nagaland Khadi and Village Industries Board, Kohima to show cause as to why he should not pay penalty at the rate of Rs. 250.00 for each day of delay, subject to a maximum of Rs. 25,000.00 for delay in furnishing information sought for 88 days from 13.2.2009 to 13.5.2009, within 10 days.

Shri Ezanimo Lotha PIO submitted his reply to show cause on 4.12.2009, stating that the RTI application of 5.1.2009 received on 12.1.2009 had sought information for 20 years which he had tried to search out and that he had vide his letter dated 22.1.2009 replied to Shri Khohoto regarding the information of total amount sanctioned for various KVIC Schemes and project w.e.f. 1988, requesting him to visit the Nagaland Khadi and Village Industries Board Office. He stated that Mr. Khohoto visited their Office only on 25.5.2009 and that he had furnished all the necessary documents within the required period, hence imposing penalty on the ground of non replying does not arise. He therefore requested for review of the show cause for imposing penalty, pleading lack of knowledge of RTI on his part and submitted that he may be exempted from paying penalty for delay in furnishing information from 13.2.2009 to 13.5.2009 as this is the first time for such lapse.

The Commission find that the submissions are not convincing nor reasonable cause for delay in furnishing the information sought. Information sought in RTI application received on 12.1.2009 was to be furnished within 30 days, by 12.2.2009 and penalty is imposeable for delay w.e.f. 13.2.2009. PIO's letter of reply shown dated 22.1.2009 was given to the applicant on 13.5.2009 only, as stated during hearing and the receipt record submitted by the appellant. Hence whatever information was given, however incomplete, was given to the applicant on 13.5.2009, 88 days after expiry of prescribed 30 days. No reason has been given for delay in giving the letter dated 22.12.2009 with information therein. Writing the reply on 22.1.2009 and keeping without giving the same to the applicant till 13.5.2009 does not mean that the information was given on 22.1.2009.

The Commission therefore decides to impose penalty under section 20 of the RTI Act 2005 on Shri Ezanimo Lotha, PIO of the NKVIB, Kohima for delay in furnishing information without reasonable cause for 88 days w.e.f. 13.2.2009 to 12.5.2009 at Rs. 250/- for each day of delay amounting to Rs. 22,000.00 (Rupees twenty two thousand)

He is directed to pay the amount by depositing it in the Government Treasury through Treasury Challan in favour of

**Consultant (Accounts)
Nagaland Information Commission**

Under

Head of Account '0070' - Other Administrative Services
Minor Head 800 - Other receipts, fines under RTI Act.

Quoting this order number, date, the name of the PIO Department.

He may pay the penalty amount in 6 equal installments of Rs. 3000.00 each followed by a 7th installment of Rs. 4000.00/-.

The first installment should be deposited latest by 6th January, 2010, the second installment latest by 6th February, 2010, the third installment latest by 6th March, 2010, the 4th installment latest by 6th April, 2010, the 5th installment latest by 6th May, 2010, the 6th installment latest by 6th June, 2010, the 7th installment latest by 6th July, 2010.

One copy of the Treasury Challan showing deposit and receipt by the Treasury should be given to the Consultant (Accounts) of the Commission latest by 11th January, 2010, 11th February, 2010, 11th March, 2010, 11th April, 2010, 11th May, 2010, 11th June, 2010, and 11th July, 2010 respectively.

Pronounced in open proceeding today.
Copy be given to the parties.

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

Sr. Private Secretary to
Chief Information Commissioner
Nagaland.