

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

No. NIC/Compln-13/2008

Dated Kohima, the 27th August , 2008

Complainant : Shri Wekhro Krome,
Respondent : Department of Power
Public Authority : Government of Nagaland
Office of the Executive Engineer
Power Department Phek,
S.D.O. (Power) Electrical
Department, Pfutsero.

Date of Hearing - 30.7.2008
Date of Order - 27.8.2008

The Commission in its decision during the hearing held on 30.7.2008 had reserved passing orders in this case till the expiry of the period of 45 days available to the first appellate authority, which would fall on 15.8.2008.

The first Appellate Authority and Deputy Chief Engineer (Power) Office of the Chief Engineer (Power) Kohima wrote to the Chief Information Commissioner, 'National Informatics Centre' Kohima stating the basis for allocation of funds and the funds allotted in the past 3 years 2005-2006 to 2007-2008, and that utilization details could be had from E.E.(E) Phek. The letter was received in the Commission Office on 7.8.2008.

The first appellate authority is required to dispose off the appeal giving decision, directions and orders. A letter to the Commission with some information and informing the Commission that some information can be had from the Division concerned cannot be accepted as furnishing information sought to the applicant by the PIO of the Department.

The manner in which this RTI Application was received and handled by the different authorities in the Department indicates that this Public Authority i.e. Power Department are not conversant with the provision of the RTI Act 2005 and is not sensitized nor geared up to deal with RTI Applications in the manner prescribed in the Act.

The RTI Application was received in the Office of the SDO Power Pfutsero on 30.4.2008. While part of information sought by the applicant are stated to have been furnished, it is observed that the RTI application submitted on 30.4.2008 is yet to reach the concerned PIO, i.e. PIO, of the Phek Electrical Division which covers Pfutsero.

In view of the statements made during the hearing, the documents at hand and observations made, the Commission direct as follows.

1. The RTI application of Shri Wekhro Krome received by the S.D.O. Electrical Department (Power) Pfutsero on 30.4.2008 in original should be given by that office to the officially designated PIO, Office of the E.E. (Power) Phek to reach him within a period of 5 days from date of this order 27.8.2008, for disposal according to provisions of RTI Act 2005.
2. The Department of Power should gear up the mechanism and sensitize the whole Department to deal with and dispose of RTI Applications according to provisions of the RTI Act 2005 and the rules notified under the Act. The Department should issue clear directions and instructions to the Directorate i.e. Chief Engineer (Power) and all subordinate Offices to be conversant with the provisions of the Act, conduct such trainings as necessary, within the Department. A copy of the Directions and Instructions issued shall be given to the Commission within a period of 15 days from the issue of this order.
3. Under Section 5 (2) of RTI Act 2005, Public Authorities are required to designate Assistant Public Information Officers at each Sub-Divisional level to receive applications for information for forwarding to the PIOs. It is observed that Department of Power has not designated such APIOs in the Sub-Divisions . The Department of Power should consider implementing this provision of the Act.

Pronounce in open proceedings today 27.8.2008.

Copy of this order be given to the Parties.

One Copy each of this order be given to

1. The Commissioner & Secretary to Government, Department of Power, Nagaland, Kohima.
2. The Chief Engineer, Power, Nagaland, Kohima.
3. The Deputy Chief Engineer (Power) and Appellate Authority, Kohima, Nagaland.
4. The PIO, Office of the E.E. (Power) Phek, Nagaland.
5. The S.D.O., (Power), Pfutsero, Nagaland.

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

(ADINO)

Sr. P.S. to Chief Information Commissioner,

Nagaland.