

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

No. NIC/compln-1/2007

Dated Kohima, the 4th July, 2007

Appellant : **Shri K. C. Angami,
President, (NGRC-I CU)**

Respondent : **Department of Works & Housing**
Public Authority : **Office of the Chief Engineer
PWD(Housing)
Government of Nagaland**

Date of Appearance to show cause : **15.5.2007**

Present - **1. Appellant Party**
2. Shri Vetokhu Sumi
PIO and Additional Chief Engineer PWD (Housing)
3. Legal Consul of Works & Housing Department.

Date of Order : **4.7.2007**

The Commission had directed the PIO to appear before the Commission on 15.5.2007 to show cause why he should not pay a penalty of Rs. 250/- per day for every day of delay in furnishing the information sought to the Applicant, vide Decision notice dated 2.5.2007.

The Public Information Officer Shri Vetokhu Sumi appeared, along with their Legal Consul and made a written as well as oral submission that non furnishing of the information sought in the RTI Application received on 28.8.2006 till receipt of 1st Appeal on 9.11.2006 was due to communication gap between their Officers, as APIOs/PIOs and Appellate Authorities appointed by the Department by name were not available. He stated that the Department had taken action to arrange and furnish the information sought for on receipt of the Appeal dated 9.11.2006, as stated during the hearing, and requested that penalty may not be imposed as there was no malafide intention for failing to make the information available as per provision of the act.

Commission does not find the submission convincing for the failure to attend to the request for information sought till first appeal dated 9.11.2006 was preferred by the appellant, and for not furnishing the same.

Designating of APIOs/PIOs and AAs and making such necessary arrangements to receive RTI Applications and dispose of such requests have been enjoined upon the Public Authority concerned under Sections 5 and 7 of the Act.

PIO's statement that on receipt of appeal dated 9.11.2006 the Chief Engineer PWD (Housing) had arranged some of the documents on 13.12.2006 indicate that the Department intended to make the same available. His submission that the same was not received by the appellant but was given to another person, which they learnt only during

hearing of the Appeal by the Commission, is an indication of the slipshod manner in which the Department had disposed of the request. A very casual approach and attitude have been exhibited in this case, and the Department is advised to be more careful and systematic in future.

The Commission note that the PIO has furnished the information sought for to the appellant within the period of 10 days as directed. The PIO had also written to the Principal Director, Medical Services, Nagaland, Kohima on 3rd May, 2007, requesting him to furnish the information on “**Construction of Medical Directorate at New Capital Complex, Kohima**” held by the Health & Family Welfare Department, under provisions of Sections 5 (4) & (6) and 6(3) of the RTI Act 2005. The Principal Director, Health & Family Welfare is hereby directed to confirm to the Commission within 10 (ten) days from the date of issue of this order, that the information has been furnished to the appellants.

We had directed the PIO to inquire into and fix responsibility on such subordinate officials and staff who had neglected to attend to the RTI Application of 28.8.2006 and had caused such delay, but the PIO stated that he had not conducted such inquiry nor fix any responsibility. This failure to comply with the direction of the Commission is viewed seriously. The PIO is cautioned against repetition of such non-compliance, should any directions be issued, in future.

The RTI application of Shri K.C. Angami dated 28.8.2006 having been received in the Office on 28.8.2006, the information sought for should have been supplied to the applicant within the prescribed 30 days, latest by 28.9.2006. However, the information was actually supplied only on 7.5.2007, on direction given by the Commission.

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 6.5.2007

The Commission, however, having taken note that the Department had sent out the information sought for on 13.12.2006 on receipt of Appeal dated 9.11.2006, though the same was actually delivered to the Appellants on 7.5.2007 only, takes a lenient view and decides to waive off the penalty for the period beyond 9.11.2006.

Taking the above into consideration, the Commission imposes a penalty for 42 days w.e.f. 29.9.2006 to 9.11.2006 at Rs. 250.00 per each day of delay amounting to Rs. 10,500.00 (Rupees ten thousand five hundred) only, upon Shri Vetokhu Sumi, Public Information Officer, Office of the Chief Engineer PWD (Housing) Nagaland, Kohima, under Section 20(1) of the RTI Act 2005. He is directed to pay the amount by depositing it in the Government Treasury through a 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 name of the PIO and Department.

He may pay the penalty amount in 2 equal installments of Rs. 5,250/- each. The first installment should be deposited latest by 3.8.2007 and the second installment latest by 3.9.2007.

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 3.8.2007 for first installment and by 3.9.2007 for second installment.

Copy of this order be given to the parties.

One copy be given

- (1) To the Principal Director, Health & Family Welfare Department, Nagaland, Kohima.
- (2) The Principal Secretary, Finance, Nagaland, Kohima.

Sd/- P. TALITEMJEN AO
Chief Information Commissioner
Nagaland.

Sd/-
REV.DR. W. PONGSING KONYAK
State Information Commissioner,
Nagaland.

Sd/-
DR. KUHOI K ZHIMOMI
State Information Commissioner
Nagaland

Authenticated

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