

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

No. NIC/Compln-34/2009/522
2009

Dated Kohima, the 25th November,

Complainant - **Smti. Thukungolu, C/o Mr. Cusayi Lohe, Lily Printing Press, Opp:- Congress Bhavan Kohima.**

Respondent - **Home Department, Office of the Director**
Public Authority **General of Police, Nagaland, Kohima.**

Date of Hearing - **28.10.2009**
Date of Decision - **25.11.2009**
Present - **1. Smti. Thukungolu**
2. Public Information Officer, Police Headquarters, Kohima.

Facts:

Smti. Thukungolu, C/o Mr. Cusayi Lohe, Lily Printing Press, Kohima submitted a complaint stating that she had sought information from Public Information Officer of Police Headquarters, PR Hill Kohima vide RTI application dated 21.5.2009 but that the information sought have not been communicated to her till date of complaint.

Smti. Thukungolu, in her application submitted to the PIO, Police Headquarters, Kohima had sought the following informations

1. Answer Scripts of the 26 candidates declared qualified for Viva-Voce.
2. Marks scored by the 26 candidates during Viva Voice and Practical Test.
3. Bio-Data and documents of the 26 candidates declared qualified for Viva-Voce.
4. Criteria of Selection.

The then PIO, Shri L. Thechamo Lotha, informed the applicant through a letter dated 21st May, 2009 that the information sought would be furnished to her as and when the same are received from the Recruitment Board.

During the hearing on 28.10.2009, the PIO Shri DOUNGEL stated that the RTI Application of Smti. Thukungolu dated 21.5.2009 was received on the same day, but in view of the Commission's decision in an earlier case that in certain cases citizens cannot seek/be given information, the PIO had not furnished the informations sought in this case. He submitted that he had taken over as PIO of PHQ in July 2009 and that he was not aware of this application. He also stated the earlier PIO had written to the Chairman of the Recruitment Board for the LDA cum Computer Assistant under 14 NAP (IR) Battalion asking him for the information on 22.5.2009 but no such information was received till date. A reminder letter was issued to the Chairman on 26.10.2009.

The Complainant Smti. Thukungolu, stated that she had submitted her RTI Application on 21.5.2009, seeking for 4 items of information, to the PIO of PHQ, Kohima, as she was aggrieved by the results of the selection for the post of LDA cum Computer Assistant. She has not received any of the information sought till date.

The Commission note that the information sought have not been furnished through the same were to have been given within 30 days on receipt of the RTI application on 21.5.2009. The plea that PIO was changed is not a reasonable cause for not furnishing information as one PIO takes over from another. The Commission in an earlier case had observed that the applicant had been allowed to see the applicants own answer script, but that in cases of other's answer script, the same cannot be sought/given. This only applies to answer scripts of others. The rest of the information sought are to be furnished. There is contradiction in the statement of the PIO in that information is not given because of Commission decision in earlier case while at the same time maintaining that the information would be given as and when received from the recruitment board.

DECISION

The Commission direct the PIO of the Police Headquarters to furnish the information sought by the applicant (Complainant) within 10 (ten) days from the date of this decision, with intimation to the Commission, free of cost.

The Commission find that the information due to have been furnished within 30 days from 21.5.2009, i.e. by 21.6.2009 had not been furnished even till date of hearing on 28.10.2009.

Under Section 20 of the RTI Act, 2005, a penalty of Rs. 250.00 is imposeable for every day of delay in furnishing the information sought after expiry of the prescribed 30 days, subject to a maximum of Rs. 25,000.00 till the information is furnished.

The Commission therefore direct the PIO of the Police Headquarters, Kohima to show cause, within 10 days from the date of this decision, as to why he should not pay penalty for delay in furnishing information sought at Rs. 250/- per each day of delay subject to maximum of Rs. 25,000.00, w.e.f. 22.6.2009 till the date the information is furnished.

Pronounced in open proceedings today.
Copy of this decision be given to the parties.
Copy be sent to

1. The Home Commissioner, Nagaland, Kohima.
2. The Director General of Police 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