

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

No. NIC/Compln-37/2009/

Dated Kohima, the 17th December 2009,

Complainant -1. **Shri. Nesücho Keyho Vice President DCC, Phek.**
2. **Shri Mikha Kenye, President DCC Phek, P.O. Pfutsero Ketoupa Colony Phek district.**

Respondent - **Department of Rural Development, Nagaland**
Public Authority **Office of the (DRDA) Phek, Nagaland.**

Date of Hearing - **4.11.2009**
Date of Decision - **25.11.2009**
Date of Decision on reply to show cause – 17.12.2009

Present - **1. Shri Neposo Theluo, PIO**
2. Mikha Kenye

The Commission in its decision on 25.11.2009 had directed Shri Neposo Theluo, PIO, Office of the DRDA, Phek to show cause as to why he should not pay penalty for delay in furnishing remaining information at Rs. 250/- for each day of delay for the period beginning 30.7.2009 to the date the information is furnished, within 10 days.

Shri Neposo Theluo submitted his reply to the show cause notice on 3.12.2009 stating that on receipt of RTI application on 29.6.2009, he had called for the information from the 5 (five) Programme Officers (NREGA) as they issue work orders to the VDBs and make payment after completion of works. He did not get complete information from them within the prescribed 30 days and hence the delay in furnishing information. He also stated in his reply that after furnishing some information to the applicant on 29th July, 2009, he had written to the Programme officers to submit the remaining information, but due to non receipt of the information, there has been delay in furnishing information. He has enclosed photocopies of his letters dated 8.7.2009 to the Programme Officers (NREGA) and APIOs of Phek, Pfutsero, Meluri, Kikruma and Sekruzu and letters dated 30.7.2009 to the Programme Officers (NREGA) and APIO, RD Blocks of Pfutsero/Phek/Meluri/Kikruma/Sekruzu.

The Commission observe that these Officials who have not submitted the information required have contributed to the delay in providing information sought to the applicants. They are deemed PIOs under section 5 (5) of the RTI Act 2005.

The Commission, before proceeding further, direct each of the Programme Officers (NREGA) RD Blocks of Pfutsero, Phek, Meluri, Kikruma, Sekruzu to show cause as to why penalty under section 20 of the RTI Act 2005 should not be imposed on each of them for their respective portion of delay at Rs. 250/- for each day of delay till the

information is furnished, subject to maximum of Rs. 25,000/-, within 10 (ten) working days from the date of pronouncement of this decision.

Pronounced in open proceedings today 17.12.2009.

Copies be given to Parties and to

1. Programme Officer (NREGA) RD Block Pfutsero
2. Programme Officer (NREGA) RD Block Phek
3. Programme Officer (NREGA) RD Block Meluri
4. Programme Officer (NREGA) RD Block Kikruma
5. Programme Officer (NREGA) RD Block Sekruzu

All C/o PIO & PD DRDA Phek.

Copy be sent to

1. Commissioner & Secretaries, RD, Nagaland, Kohima.
2. Director, RD, Nagaland, Kohima.

(P. TALITEMJEN AO)IAS (Rtd)
Chief Information Commissioner
Nagaland.

(REV. DR. W. PONGSING KONYAK)
State Information Commissioner,
Nagaland.

(Dr. KUHOI K ZHIMOMI)
State Information Commissioner,
Nagaland.