

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

No. NIC/Compln-38/2009/

Dated Kohima, the 16<sup>th</sup> December, 2009.

**Complainant** : **Dr. K. Hoshi**  
**C/o Royal Foundation School**  
**Phek Town, P.O. Phek – 797108**  
**Nagaland.**

**Respondent** : **Office of the District Welfare Officer, Phek**  
**Public Authority** **Nagaland.**

**Date of Hearing** - **16.12.2009**  
**Present** - **1. Dr. K. Hoshi**  
**2. Shri T. Sangtam, Public Information Officer, and District**  
**Welfare Officer, Phek, Nagaland.**

**Facts**

Dr. K. Hoshi C/o Royal Foundation School Phek Town Nagaland submitted a complaint on 10.11.2009 under section 18 ( c ) of the RTI Act 2005 to the Commission stating that he had submitted RTI Application on 10.8.2009 to the PIO, Office of the District Welfare Officer, Phek requesting for 6 items of information but that the PIO had not furnished the information till date.

The applicant in his RTI Application of 10.8.2009 had sought the following information.

1. Photocopy of the sanction order.
2. Photocopy of tender floated in local/national papers and photocopy of Newspaper clipping thereof.
3. Photocopy of work order and name of the Contractor(s) and sub-contractor(s) to whom the work has been allotted.
4. Technical specification of the work
5. Photocopy of the L.O.C. released to the contractor(s) as the first running bill.
6. Report on progress of the work up to date.

Shri T. Sangtam, as District Welfare Officer forwarded the RTI application in original to the Director, Social Welfare on 10.8.2009 requesting the Director to furnish the required documents and intimate to the applicant, as the same were not available with the District Welfare Office, Phek.

The PIO Shri T. Sangtam stated that as soon as he received the RTI application on 10.8.2009, he had forwarded the same to the Director, Social Welfare, Kohima saying that the documents sought were not available with his office and requesting the Director, Social Welfare to give the information. He stated that on receipt of notice to appear before the Commission on 16.12.2009 for the hearing on complain from the applicant, he had gone to the Directorate and collected the information sought, which he can furnish to the applicant today.

The complainant Dr. K. Hoshi stated that he had not received any information within the prescribed 30 days, i.e. till 10.9.2009, but thereafter an official from Directorate of Social Welfare, Kohima requested him to wait for a week as they were facing difficulties in giving the information. Again after a week one Engineer from the Directorate on phone requested him for more time. When the information did not come, he contacted the PIO's Office at Phek 2 times but could not obtain the information sought.

### **DECISION**

The Commission note that the information sought have not been furnished till date. The RTI Application was received on 10.8.2009 and the prescribed 30 days expired on 10.9.2009, hence penalty for delay under Section 20 of the RTI Act 2005 at Rs. 250/- for each day of delay subject to maximum of Rs. 25,000/- is imposeable w.e.f. 11.9.2009 till the information is furnished.

The Commission direct the PIO of the Office of District Welfare Office to furnish the information sought to the applicant within 10 days, free of cost, from the date of pronouncement of this decision.

The Commission direct the PIO Shri T. Sangtam to show cause as to why he should not pay penalty at Rs. 250/- for each day of delay subject to maximum of Rs. 25,000/- for delay in furnishing the information without reasonable cause w.e.f. 11.9.2009 till the information is furnished, within 10 days from the date of pronouncement of this decision.

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

Copy be given to

1. Secretary, Social Welfare Department, Nagaland, Kohima.
3. Director, Social Welfare Department, 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

Sr. Private Secretary to  
Chief Information Commissioner,  
Nagaland.