

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

No. NIC/Compln-38/2009/

Dated Kohima, the 19<sup>th</sup> May, 2010.

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

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

**Date of Hearing of Show Cause** - **21.4.2010**  
**Date of Decision on reply** - **19.5.2010**  
**to the show cause**

**Present** - **1. Shri Nochet Aier, Director, Social Welfare Department,**  
**Nagaland.**  
**2. Shri Khevito T. Shohe, PIO, Directorate of Social Welfare,**  
**Kohima.**  
**And**  
**3. The Executive Engineer of the Directorate of Social Welfare.**  
**4. Shri T. Sangtam, PIO and District Welfare Officer, Phek.**

**Dr. K. Hoshi, Complainant was absent.**

The Commission in its decision of 3.3.2010 had directed

1. Shri Khevito T. Shohe, OSD (and PIO) of the Directorate of Social Welfare, Nagaland, Kohima  
And
2. The Executive Engineer of the Director of Social Welfare, Nagaland, Kohima, to show cause as to why each of them should not pay penalty @ Rs. 250/- per each day of delay that had occurred at his level that had contributed to the overall delay, within 10 days from the date of pronouncement of the decision.

Shri K. T. Shohe and Shri K. Rhetso Executive Engineer, PWD, Housing Div.II i/c of Social Welfare Directorate submitted their replies to the show cause on 10 March 2010 and 11 March 2010 respectively.

Shri K.T. Shohe in his reply stated that the letter of PIO and DWO, Phek dated 10.8.2009 was received on 20.8.2009, which was endorsed to the branch on the same day, and was sent on 31.8.2009 to the Executive Engineer seeking the requisite information. The reply letter of E.E. dated 25.9.2009 reached his table on 14.10.2009, was put up with draft reply to Director on 14.10.2009, on which Director wrote 'please speak' but the file never reached him. On 4.11.2009 he instructed the branch to write to DWO, Phek, sending the draft reply to typing

pool on 7.11.2009. Thereafter he was busy on tour and other official works, hence the letter with the requisite information sought was given to DWO, Phek on 15.12.2009 only. He submitted that the delay was not intentional and requested that penalty imposeable on him may kindly be reviewed.

Er. Kezholel Rhetso in his reply stated that he and his officers were on a scheduled tour of inspection/supervision of construction works in the outlying Districts from 2.9.2009 to 18.9.2009. On return from tour he processed the request for information, but due to collection of necessary documents from Chief Engineer PWD (Housing) Office, Kohima he could only submit the same to the Director on 25.9.2009, for onward submission. He submitted that the delay was neither intentional nor negligence on his part, hence he requested that his case may kindly be considered for condonation of penalty.

Shri K.T. Shohe and Er. K. Rhetso were given opportunity to show cause in person during hearing on 21.4.2010.

Shri K.T. Shohe affirmed the statements he had given in his written reply to show cause dated 10.3.2010 and submitted that the letter of Executive Engineer dated 25.9.2009 reached him on 14.10.2009 and as he could only provide the requisite information to the PIO and DWO Phek on 15.12.2009, he accepted the responsibility for the delay for the period 14.10.2009 to 14.12.2009 i.e. 62 days.

Er. K. Rhetso affirmed the statements he had given in his reply to show cause dated 10.3.2010 and submitted that he received the request for information on his return from tour on 17.9.2009, that he collected the documents personally from office of Chief Engineer PWD (Housing) and sent to Director on 25.9.2009. He was directed by the Commission to verify and sent to the Commission the dates of movement of the letters, dispatch and receipt to ascertain where delays had occurred. He submitted in written to the Commission on 28.4.2010 stating that he could not ascertain the delay points as the peon book only showed receiver's initial without giving date of receipt. He attributed this lapse to ignorance/negligence of subordinate staff.

The Commission note that the PIO, and District Welfare officer, Phek Shri T. Sangtam, on receipt of RTI Application dated 10.8.2009, had sought the assistance of the Director of Social Welfare, Nagaland, Kohima to provide him the requisite information through a letter dated 10.8.2009, under provisions of Section 5 (4) and (5) of the RTI Act 2005. The information was provided to him on 15.12.2009 only, which he furnished to the applicant on 23.12.2009, after collecting the same from the Office of the Director, Kohima on receipt of Commission notice for hearing of 16.12.2009. The Director and his Office had delayed providing the information to the PIO and DWO Phek till 15.12.2009 whereas the prescribed 30 days expired on 10.9.2009.

## **DECISION**

The Commission find that the requisite documents and information collected had reached Shri K.T. Shohe on 14.10.2009 but those were provided to Shri T. Sangtam PIO and DWO Phek on 15.12.2009 only, thus contributing to the delay by 62 days. The Commission find that the circumstances which were stated to be the cause of delay are not reasonable.

The Commission therefore decide to impose penalty on Shri Khevito T. Shohe, OSD, Directorate of Social Welfare, Nagaland, Kohima, under section 20 of the RTI Act 2005, to pay Rs. 250.00 per each day of delay for 62 days i.e. from 14.10.2009 to 14.12.2009, amounting to Rs. 15,500.00.

He is directed to pay the amount by depositing it in the Government through Treasury Challan in favour of

**Consultant (Accounts)  
Nagaland Information Commission**

**Under**

<b>Head of Account '0070'</b>	-	<b>Other Administrative Services</b>
<b>Minor Head 800</b>	-	<b>Other receipts, fines under RTI Act.</b>

Quoting this order number, date, the name of the PIO and Department

He may pay the penalty amount in 4 equal installments of Rs. 3000.00 each followed by a last installment of Rs. 3500.00.

The first installment should be deposited latest by 5.6.2010, the second installment latest by 5.7.2010, the third installment latest by 5.8.2010, the fourth installment latest by 5.9.3010 and the last installment latest by 5.10.2010.

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 the 10<sup>th</sup> of each month of payment.

The Commission also find that Shri T. Sangtam, PIO and District Welfare Officer Phek and Er. Kezholel Rhetso, Executive Engineer PWD (Housing) Division No. II Kohima having charge of works of Social Welfare Department, have not attended to collection and furnishing of the requisite documents/information with due urgency as required by prescribed time schedules under the Act but let things/process move in its course in a routine manner. They are advised to attend to every RTI Application so as to furnish the information sought in within the prescribed time in future and cautioned not to deal with requests of RTI applications in a routine manner.

The Commission is constrained to record and express serious concern about the casual and indifferent manner in which the request under section 5 (4) (5) of the RTI Act 2005 for information sought in this RTI Application has been handled in the Directorate of Social Welfare.

The Commission direct the Secretary, Social Welfare Department, Nagaland, to issue clear written instructions, within 15 days from the date of pronouncement of this decision, to all the Offices of the Department to sensitize and gear up the mechanism to deal with RTI Applications according to provisions of the RTI Act 2005. Issue of instructions/direction should be confirmed to the Commission. This complaint will be finally disposed off only after compliance is confirmed.

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

Copy be sent to

1. The Secretary, Social Welfare Department, Nagaland, Kohima.
2. The 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

Under Secretary  
Nagaland Information Commission  
Kohima