

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

No.NIC/Compln-4/2007

Dated Kohima, the 2nd May, 2007

APPELLANT : **SHRI K.C. ANGAMI,
PRESIDENT, (NGRC-I CU)**

RESPONDENT : **DEPARTMENT OF
PUBLIC AUTHORITY** **FORESTS, ECOLOGY,
ENVIRONMENT & WILD LIFE,
OFFICE OF THE
PRINCIPAL CHIEF CONSERVATOR
OF FOREST,
GOVERNMENT OF NAGALAND**

DATE OF HEARING - **18.04.2007**
DATE OF DECISION - **02.05.2007**

FACTS

The Appellant submitted application under RTI on 28.8.2006 to the Public Information Officer of the Office of the Principal Chief Conservator of Forest, Nagaland requesting for documents relating to Supply and Construction works under department w.e.f. January 2006 upto date as follows:

1. Copy of Notice Inviting Tender with clips of all the newspaper advertisements
2. Copy of Work Order
3. Bills of quantities
4. Contract agreement
5. Comparative statement of tenderers

On not receiving any response within the time limit, he preferred an appeal to the first Appellate Authority, The Principal Chief Conservator of Forest on 19.11.2006.

He did not receive any decision in response to the first appeal within the prescribed time and therefore approached the Commission with a second appeal on 19.3.2007 praying for necessary action under RTI.

The Commission heard the Appeal on 18.4.2007. The following were present.

1. Shri K.H. Savi,
Legal Advisor, NGRC-I CU.
2. Shri J.S. Walia,
PIO and Chief Conservator of Forest
3. Dr. C.L. Goel
Principal Chief Conservator of Forest and Appellate Authority.

Both the parties were given opportunity to make their averments and heard.

The Public Information Officer confirmed the receipt of the RTI application of 28.8.2006 but submitted that he was not the PIO at that time and that he was not aware if any information was given to the applicants.

The Appellate Authority, Dr. C.L. Goel stated that he had written a letter to the Government dated 8.12.2006 with copy to the appellants, furnishing some of the information sought, and requesting the Commissioner and Secretary Department of Forest, to supplement reply and furnish additional information.

The Appellant stated that they had not received any information.

Dr. C.L. Goel Appellate Authority, produced a receipt of their letter dated 8.12.2006 showing receiving of the same on 15.12.2006. The Appellant requested for time to verify the same, which was allowed till 23.4.2007.. Appellants vide letter dated 23.4.2007 informed that the copy of letter dated 8.12.2006 was served to their office on 17.4.2007.

DECISION NOTICE

The Commission observe that the information as sought was not given to the appellants. Letter addressed to Government by the PCCF and Appellate Authority, with copy to Appellants cannot be taken for granted as furnishing information to the applicant, unless received by them. Also Government has been asked to supplement reply, which was not done. We find that there has been a delay of 172 days from the date of expiry of time limit for the PIO.

The Public Information Officer is directed to appear before the Commission at 1300 hrs. on 15.5.2007 (Tuesday) in the Zonal Council Hall to show cause why he should not pay a penalty of Rs. 250/- per day for each day of delay in furnishing the information as sought subject to a maximum of Rs. 25,000/-.

The Information sought be given free of cost to the Appellants within 10 (ten) working days and report compliance.

Pronounced in open proceedings today 2.5.2007.

(P. TALITEMJEN AO)
Chief Information Commissioner
Nagaland.

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

(DR. KUHOI K ZHIMOMI)
State Information Commissioner
Nagaland

Autheticated

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