

NAGALAND INFORMATION COMMISSION
 OLD SECRETARIAT COMPLEX,
 POST BOX NO. 148
 NAGALAND
 KOHIMA – 797001
 No. NIC/Compln-5/2007 Dated Kohima, the 2nd May, 2007

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

RESPONDENT : **DEPARTMENT OF SOIL &
 PUBLIC AUTHORITY WATER CONSERVATION
 OFFICE OF THE DIRECTOR, SOIL &
 WATER CONSERVATION,
 GOVERNMENT OF NAGALAND**

DATE OF HEARING - **19.4.2007**
DATE OF DECISION - **2.5.2007**

FACTS

On 28.8.2006 the Appellant submitted RTI Application to the PIO of the office of the Director, Soil and Water Conservation Department requesting documents relating to supply and construction works allotted under the Department w.e.f January 2006 upto date as follows.

- a) Copy of Notice Inviting Tender with clips of all newspaper advertisement.
- b) Copy of work order
- c) Bills of quantities
- d) Contract agreement
- e) Comparative statement of tenders .

There was no response from the PIO till expiry of the time prescribed under RTI.

Hence he preferred appeal to the first Appellate Authority on 9.11.2006. He did not get any decision in reply to his appeal within the statutory time limit.

He therefore submitted second appeal to the Commission on 19.3.2007 praying for necessary action according to provisions of RTI Act 2005.

The Commission heard the appeal on 19.4.2007. The following were present.

1. Shri K.H. Savi

Legal Advisor, NGRC-1 CU.

2. Shri Limameren,
PIO & Deputy Director ,
Soil & Water Conservation
3. Shri R.T. Asang Jamir
Director Soil & Water Conservation.

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

The PIO informed that he is conversant with the RTI provisions after attending training. However he submitted that he did not receive the RTI application dt 28.8.2006 but became aware of it only when his Director called him on receipt of the first appeal dt. 9.11.2006, and directed him to furnish the information as sought. He had thus without delay issued a letter dated 15.11.2006 to the appellants giving the information. He, however learnt on 16.4.2007 only that the letter was handed over to a different organization by the department peon. He also identified the signature on receipt of RTI application dt. 28.8. 2006 to be that of P.A. to Director, Soil & Water Conservation.

The Appellant informed that no such information or letter dt. 15.11.2006 was received by them.

The Director, Shri. Asang Jamir stated that when he received the appeal dated 9.11.2006, on 10.11.2006 he called the PIO and directed him to furnish the information, which the PIO sent out vide his letter dt. 15.11.2006. The delivery of that letter to wrong party was detected on 16.4.2006 from the log book/ Peon book.

The Commission directed the PIO to hand over a copy of the letter dt. 15.11.2006 to the Appellants during the hearing, which was received by Shri K.H. Savi. Time was given to the Appellant till 24.4.2007 to confirm to the Commission whether the letter of 15.11.2006 contained all the information sought, Shri K.C. Angami on 23.4.2007 informed the Commission that the documents received are found to be reasonable.

Decision Notice

The Commission observe that the information sought had not been given to the Appellants till date of hearing, inspite of the concerned Public Authority arranging the documents and sending out on receipt of first appeal. We also observe that certain members of the staff in the Office of the PIO had contributed to delay by their negligence. There has been a delay of 172 days from the date of expiry of the time prescribed for the PIO, till date of second appeal.

The PIO is directed to appear before the Commission at 1400 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 subject to a maximum of Rs. 25,000/-. The P.I.O. is directed to inquire and fix responsibility on each of the staff of their office who had

contributed to the delay in furnishing information. Each of such official/ staff will appear before the Commission at 1400 hours on 15.5.2007 to show cause why each of them should not pay a penalty of Rs. 250/- per day for each day of delay caused at their level, subject to maximum of Rs. 25,000/-.

The information sought for in full should be given to the appellant free of cost within 10 (Ten) working days and report compliance.

This decision is pronounced in open proceedings today 2.5.2007.

Sd/-
(P. TALITEMJEN AO)
Chief Information Commissioner
Nagaland

Sd/-
(Rev. Dr. W.PONGSING KONYAK)
State Information Commissioner
Nagaland

Sd/-
(Dr. KUHOI K. ZHIMOMI)
State Information Commissioner
Nagaland

Authenticated

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