

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

No. NIC/Compln-6/2007

Dated Kohima, the 28 November , 2007

APPELLANT : Shri Holuto Aye,  
P.S. to MLA 33 Suruhuto  
Assembly Constituency,  
Nagaland, Kohima.

RESPONDENT : Department of Works & Housing  
PUBLIC AUTHORITY : Office of the Chief Engineer  
PWD(Road & Bridges)  
Government of Nagaland

Dated of Appearance to show cause : **20.7.2007**

Date of Penalty Order : **28.11.2007**

The Commission in its decision notice dated. 5.7.2007 had directed the PIO Er. L. Yezheku Sumi to appear in person on 20.7.2007 to show cause as to why he should not pay penalty for delay in furnishing the information sought in this case.

Er. L. Yezhekhu, Public Information Officer and Additional Chief Engineer PWD (R&B) appeared on 20.7.2007 and submitted in writing and orally that Appellate Authorities, Public Information Officers and Assistant Public Information Officers were appointed in the Department by name and due to transfers/reshuffling of officers within short time there was confusion. He stated that the RTI application dated 23.1.2007, on receipt in the Department was on the same day endorsed to the concerned branch for taking necessary action, but while the process was on, the applicant had preferred appeal to the Appellate Authority. He therefore prayed that he may be exempted from payment of the penalty as the delay caused in furnishing was not deliberate.

The Commission in view of the PIO's submission, directed him to inquire to find out who are the officials/staff responsible for holding up the RTI application received on 1.2.2007 and to fix responsibility on each of such official/staff and submit report/findings, within 10 working days. The Chief Engineer PWD(R&B) on 14.9.2007 informed the Commission in writing that though inquiry has been conducted and it was confirmed that the RTI application was received on 1.2.2007, the officials and staff were not conversant with the RTI Act, and though there was no ill intension on the part of any Official to deny or delay the information sought, the delay was caused. He also informed that measures have been taken by the Department to sensitize the officials/staff to deal with RTI matters, and requested that penalty for the delay may not be imposed on the departmental officials.

The Commission have carefully gone through the submissions. We find that the reasons given are not convincing. There have been a delay of 135 days, from the date on which the 30 days time prescribed for the PIO expired and penalty period started on 2.3.2007 to the date on which the information sought was actually given on 16.7.2007 to the applicant. RTI Act 2005 was implemented from 12 October 2005 and it is not reasonable to state and accept that Department Officials & Staff were not conversant with the provisions of the RTI Act 2005 in the year 2007.

As per Section 20(1) of the RTI Act 2005 a penalty at the rate of Rs. 250/- per each day of delay, subject to a maximum of Rs. 25,000.00 is to be imposed on the PIO for failure to furnish the information sought within the prescribed period of 30 days without reasonable cause.

The Commission therefore imposes a penalty for the period 2.3.2007 to 15.7.2007, i.e. 135 days at Rs. 250/- per each day of delay, not exceeding Rs. 25,000/- as per limitation under Section 20(1) of the Act, on the PIO. There have been 2 PIOs, namely

1. Dr. Er. Vikuotuoлие, Additional Chief Engineer, PWD (R&B) upto 8.5.2007.
2. Er. L. Yezhekhu Sumi, Additional Chief Engineer PWD (R&B) from 9.5.2007 till date of furnishing information on 16.7.2007.

The penalty is to be apportioned between the PIOs according to number of days of delay with each PIO.

The penalty amounts may be paid in two equal installments of Rs. 12,500/- each by depositing it in the Government Treasury through Treasury Challan in favour of

**Consultant (Accounts)  
Nagaland Information Commission  
Under**

**Head of Account 0070 – Other Administrative Services  
Minor Head 800 - Other receipts fines under RTI Act.**

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

The first installment of Rs. 12,500/- should be deposited latest by 28.12.2007 and the second installment of Rs. 12,500/- should be deposited latest by 28.1.2008.

One copy of the Treasury Challan should be given to Consultant (Accounts) of this Commission as follows.

- (a) Latest by 28.12.2007 for deposit of first installment.
- (b) Latest by 28.1.2008 for deposit of second installment.

The Department has in writing confirmed on 14.9.2007 that Officers and Staff have been directed to be active/conversant with the RTI Act 2005 and to organize Seminars/Workshops to sensitize their offices about the RTI Act.

The Commission appreciates the measures taken by the Department.

The case is disposed off accordingly.

Pronounced in open proceedings today 28<sup>th</sup> November, 2007.

Copy be given to

1. The parties.
2. The Chief Engineer PWD (Road & Bridges) Nagaland, Kohima.
3. The Engineer-In-Chief PWD, Nagaland, Kohima.
4. The Commissioner & Secretary to the Government of Nagaland, Works & Housing Department, Nagaland, Kohima.

Sd/-

**P. TALITEMJEN AO**  
Chief Information Commissioner,  
Nagaland, Kohima.

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.



