

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

No. NIC/compln-24/2007

Dated Kohima, the 28th January, 2009.

Appellant : **Shri Eduzu Theluo Vadeo**

Respondent : **Department of Power**
Public Authority : **Office of the Chief Engineer**
Power.
Nagaland, Kohima.

Date of Hearing : **17.12.2008**
Date of Order on reply
to show cause Notice : **28.1.2009**

Present - **1. Mr. Eduzu Theluo Vadeo,**
2. Er. T.S. Angami,
PIO and Additional Chief Engineer (Power)

The Commission in its decision following the hearing on 18.12.2008 had directed Shri T.S. Angami – PIO Office of the Chief Engineer (Power) Kohima to show cause as to why he should not pay penalty of Rs. 250/- per each day of delay for the period 7.11.2008 to 15.12.2008 (37 days) subject to maximum of Rs. 25,000/- under Section 20 of the RTI Act for failure to furnish information sought under RTI, within 10 working days.

Shri T.S. Angami PIO had accordingly submitted reply to the show cause notice on 13.1.2009. He has submitted that the RTI application of Shri Eduzu Theluo Vadeo dated 7.10.2008 was received on the same day and the information sought was kept ready by 25.10.2008, but the same could not be delivered nor posted to the applicant due to non availability of proper postal address in the application. Efforts were also made to contact Shri Vadeo through telephone but he was not reachable and only after making contact with him on 12.12.2008, Shri Vadeo collected the information on 16.12.2008, prior to which neither he nor any representative inquired for collection of the information sought. He has therefore prayed that he may kindly be exonerated from the delay.

The Commission note that the information was furnished and was collected by the applicant on 16.12.2008 only though the PIO stated that the same were kept ready on 25.10.2008. The applicant not giving proper address nor correct telephone number in the application dated 7.10.2008 could have been sorted out at the time of receipt of the RTI application by the PIO, but it is unfortunate that neither PIO nor applicant took care of this when they met on 7.10.2008, nor any of the parties followed up. This is a

lapse on the part of both the parties. In view of the fact that though much delayed, the PIO informed the applicant and furnished the information, the Commission decides to take a lenient view for the delay with some reasonable cause, and waive the penalty for the period upto 12.12.2008.

On 12.12.2008, the PIO and his office established contact with the applicant and could have delivered the information to the applicant in the Kohima address without delaying further for the applicant to come and collect. Hence the Commission find that there is no ground to further delay furnishing of the information sought.

The Commission has been informed that the informations not furnished on 16.12.2008 have since been given to the applicant by 22.12.2008.

The Commission also observe that the PIO and his office are not conversant with the provisions of the RTI nor the Office sensitized to deal with RTI applications. Hence the PIO is directed to sensitise his office to deal with RTI applications to avoid such lapses leading to undue delay in furnishing information and confirm to the Commission within 10 working days.

The PIO Shri T.S. Angami stated during the appearance on 28.1.2009 to hear pronouncement of the order that he had not undergone training on RTI ever since he was **designated as PIO in 2007** and hence he could not see to the requirement of the provisions of the RTI Act 2005 in dealing with and furnishing of the information sought.

The Commission note that the RTI Act 2005 was implemented in the State from October 2005, the PIO concerned was designated in July 2007, hence for this PIO to state in 2009 that he is not conversant with the requirement of the Act is neither reasonable nor acceptable. In a number of appeals and complaints heard by the Commission it has been observed that PIOs and representatives of Departments have pleaded ignorance of the Provisions of the RTI Act 2005 and the Commission had directed them to sensitise their offices and gear up the mechanism to deal with RTI applications including getting PIO/APIOs trained. The **Department of Power** has had the benefit of such direction in a number of cases. The present PIO is a very senior officer (Additional Chief Engineer) in the Directorate and it is very unfortunate that such very senior officer plead not being conversant with provisions of RTI at this stage. It is expected that Heads of Departments and their Senior Officers themselves should take the necessary initiatives and organize trainings and programmes for training of officials of their Departments on RTI and sensitise their Department/Offices.

The Commission has raised this issue a number of times in Meetings with heads of Administrative Departments and Heads of Departments and also with Chief Secretary and Senior Officers in the last 2 years. It appears that while some Departments have taken the matter seriously and taken initiative to make their officers and Staff knowledgeable on RTI provisions, in many cases officers take these matters casually, and do not apply their mind, thereby embarrassing themselves and their Departments when they receive and have to handle RTI applications.

A serious and meaningful review of the training of Officers and sensitization in the Department on RTI requires to be taken at the level of Chief Secretary personally at an early date.

This direction is given in view of above observations by the Commission, under Section 19 (8)(9) (v) of the RTI Act 2005.

Pronounced in open proceedings today 28.1.2009.

Copy of this order be given to the parties.

1. Shri Eduzu Theluo Vadeo.
2. Er. T.S. Angami, PIO and Additional Chief Engineer (Power) Nagaland, Kohima.

One copy each be sent to Shri Lalhuma, Chief Secretary, Nagaland.

Copy be sent to:-

1. Shri R. Benchilo Thong, IAS, Commissioner & Secretary (Power) Nagaland, Kohima.
2. Rr. D. Basumatari, Chief Engineer, Power) Nagaland, Kohima.

(P. TALITEMJEN AO)IAS (Rtd)
Chief Information Commissioner,
Nagaland.

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

(DR. KUHOI K ZHIMOMI)
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Authenticated by

Under Secretary
Nagaland Information Commission
Kohima