

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

No. NIC/Compln-27/2009/

Dated Kohima, the 25th March, 2009

Complainant : **Smti. Zashekhono Tetso,
Coordinator,
HRLN, 2nd floor, New NST Complex
Kohima:797001.**

**Respondent
Public Authority** : **Department of Food and Civil
Supplies, Government of Nagaland,
Office of the Director, Food and Civil
Supplies, Dimapur, Nagaland.**

Date of Hearing - **25.3.2009**

Present :

- 1. Shri O.T. Chingmak, PIO and Director,
Food and Civil Supplies, Nagaland, Dimapur.**
- 2. Smti. Zashekhono Tetso, Coordinator, HRLN, 2nd Floor
New NST Complex, Kohima.**

Facts.

Smti. Zashekhono Tetso, Coordinator HRLN, 2nd Floor, New NST Complex, Kohima submitted a complaint under Section 18 (1) of the RTI Act 2005 to this Commission stating that she had submitted an RTI Application dated 29.1.2009 to the PIO, Office of the Director, Food & Civil Supplies, Nagaland, Dimapur seeking certain information. The application was received by the PIO on 30.1.2009 but till date of complaint the information sought have not been furnished to her.

The Commission decided to hear and inquire into the complaint. Hearing was held on 25.3.2009.

Smti. Zashekhono Tetso stated that her RTI application was received on 30.1.2009 and the statutory period of 30 days expired on 28.2.2009, till 24.3.2009 the informations sought have not been given to her.

Shri O.T. Chingmak, PIO and Director of Food & Civil Supplies, Dimapur submitted that all the informations have been collected and submitted to Government for approval on 27.2.2009, which as approved came back on 29.2.2009. He is aware that information sought is to be furnished within 30 days, and informed the Commission that the informations sought are ready to be given today provided the cost of stationery is paid by the applicant as prescribed under Regulation of Fee and Cost Rules, 2005.

The Commission noted that the informations sought are being furnished to the applicant today.

Decision

The Commission observe that the RTI application having been received by the PIO on 30.1.2009. The statutory 30 days period expired on 28.2.2009 and hence there has been a delay of 24 days i.e. w.e.f. 1.3.2009 to 24.3.2009 in furnishing the informations sought. As per section 20 of the RTI Act 2005, penalty @ Rs. 250/- per each day of delay without reasonable cause in furnishing information sought, subject to maximum of Rs. 25,000/-, is impossible on the PIO.

The Commission direct Shri O.T. Chingmak, PIO and Director of Food And Civil Supplies to show cause as to why he should not pay penalty @ Rs. 250/- per each day of delay from 1.3.2009 to 24.3.2009, subject to maximum of Rs. 25,000.00 within 10 days from the date of pronouncement of this decision.

Pronounced in Open Proceedings today 25.3.2009.

Copies be given to the Parties.

Copy be given to:

1. The Additional Chief Secretary to the Government of Nagaland, Food and Civil Supplies 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 me

Under Secretary
Nagaland Information Commission
Kohima