

NAGALAND INFORMATION COMMISSION

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No. NIC/Appeal-5/2018-19.

Dated Kohima, the 22nd February, 2019.

Appellant : Shri. K. Zeliang,
Kohima
Mobile No. 9402245680/ 9436208756

Respondents : 1) Director & FAA,
Tourism,
Nagaland, Kohima.

2) The PIO,
Tourism,
Nagaland, Kohima.

Public Authority : Directorate of Tourism, Nagaland, Kohima.

Date of first hearing : 19.09.2018 at 12:00 PM.

Date of first Decision : 29.09.2018.

Date of second hearing : 19.02.2019 at 12:00 PM.

Date of second Decision : 22.02.2019.

Present:

1. Smti. Akhale Vizol, Director & FAA, Directorate of Tourism, Nagaland, Kohima, Mobile No. 9612158350.
2. Er. Hutoka Sema, Executive Engineer and former PIO, Directorate of Tourism, Nagaland, Kohima (now transferred and posted as Executive Engineer, O/o the Vigilance Commissioner, Nagaland, Kohima) Mobile No. 9436014535.
3. Shri. I. Temjen Ao, Deputy Director & PIO, Directorate of Tourism, Nagaland, Kohima, Mobile No. 9436261259.
4. Er. Shekhotso Vero, SDO & PIO, Directorate of Tourism, Nagaland, Kohima, Mobile No. 9436200936.
5. Shri. Vikheto Z. Kiba, Junior Engineer & APIO, Directorate of Tourism, Nagaland, Kohima, Mobile No. 9863414388.
6. The applicant (now appellant), Shri. K. Zeliang, Kohima.

FACT OF THE CASE

The Commission had, on 19.09.2018 at 12:00 Noon heard the second appeal dated 27.07.2018 submitted by Shri. K. Zeliang, Dobashi Colony, Jalukie Town, Mobile No. 9402245680/ 9436208756 against the non-satisfaction of the information furnished by the First Appellate Authority, Directorate of Tourism, Nagaland, Kohima to his first appeal dated 18.06.2018 which was submitted against the non-satisfaction of the information furnished by the PIO, Directorate of Tourism, Nagaland, Kohima in response to his RTI application dated 24.04.2018.

After the hearing on 19.09.2018 at 12:00 Noon, the Commission had passed decision of even No. dated 29.09.2018.

In compliance to the decision of the Commission dated 29.09.2018, Shri. I. Temjen Ao, Deputy Director & PIO, O/o the Directorate of Tourism, Kohima, Nagaland, Kohima had, vide letter No.TOUR/ENGG-684/2017-18 dated 22.10.2018 re-furnished the following information to the applicant (now appellant):-

1. Regarding **Point No.1**: Photos along with photo captions indicating the name of works and locations.

2. Regarding **Point No.2**: The list of fund received, fund released and utilized/ expenditure supported by sanctioned orders, Utilization Certificates, List of payments to the Contractors and photo copies of all measurement books and the bill body.

He had further requested the applicant (now appellant) to examine the documents and give his satisfaction or non-satisfaction within seven (7) days from the date of receipt failing which the information provided would be deemed to be satisfied.

In compliance to the **Point No.3** of the decision of the Commission dated 29.09.2018, the applicant (now appellant), Shri. K. Zeliang had, vide letter dated 29.10.2018 submitted that he was not satisfied with the information given by the PIO vide letter No.TOUR/ENGG-684/2017-18 dated 22.10.2018. As such he had submitted another RTI application dated 29.10.2018 to the PIO, Tourism seeking six (6) Nos. of information along with Rs. 10/- and to which Er. Sekhoto Vero, SDO & PIO, Tourism had, vide letter No.TOUR/ENGG-684/2017-18/314 dated 20.11.2018 furnished the information to him.

Since the applicant (now appellant) is not satisfied with the information furnished by the PIO and to decide the cause of the delay in furnishing the information by the former PIO, the Commission has decided to hear the appeal case, giving the opportunity of being heard to both the parties on **19th February (Tuesday), 2019 at 12:00 Noon** in the **Hearing Room of Nagaland Information Commission, below Raj Bhavan, Officers' Hill Colony, Nagaland, Kohima** and also **to bring the files and relevant documents** in question for scrutiny on the above date and time for the hearing:-

- i. Smti. Akhale Vizol, Director & FAA, Directorate of Tourism, Nagaland, Kohima.
- ii. Er. Hutoka Sema, Executive Engineer and former PIO, Directorate of Tourism, Nagaland, Kohima (now transferred and posted as Executive Engineer, O/o the Vigilance Commissioner, Nagaland, Kohima).
- iii. Shri. I. Temjen Ao, Deputy Director & PIO, Directorate of Tourism, Nagaland, Kohima.
- iv. Er. Shekhotso Vero, Sub-Divisional Officer & PIO, Directorate of Tourism, Nagaland, Kohima.
- v. Er. Vikheto Z. Kiba, Junior Engineer & APIO, Directorate of Tourism, Nagaland, Kohima.
- vi. The applicant (now appellant), Shri. K. Zeliang, Dobashi Colony, Jalukie Town Nagaland, Kohima.

OBSERVATIONS AND FINDINGS:

The applicant (now appellant), Shri. K. Zeliang did not appear for the hearing and there was no reason or prior intimation to the Commission regarding his absence in the hearing. Hence, the Commission heard the appeal *ex parte*.

During the hearing, the Director & FAA stated that the PIO had furnished whatever information sought, however, there was no response from the applicant (now appellant).

The Commission observed that whatever information sought by the applicant (now appellant) relating to the present RTI application dated 24.04.2018 had been re-furnished. However, instead of giving his satisfaction or non-satisfaction within seven (7) days from the date of receipt of the information furnished by the PIO, the applicant (now appellant) had failed to give his satisfaction or non-satisfaction, and instead submitted another RTI application dated 29.10.2018. Regarding the second RTI application dated 29.10.2018 which the applicant had submitted to the PIO, Tourism as he was not satisfied with the information furnished by the PIO in response to his original RTI application dated 24.04.2018, the Commission clarified that though the applicant (now appellant) was free to file the RTI application, no action was required for the second RTI application dated 29.10.2018 since the present appeal case was regarding the original RTI application dated 24.04.2018 and not the RTI application dated 29.10.2018.

The Commission also observed that the RTI application dated 24.04.2018 was received on the same date i.e. 24.04.2018 and the reply given only on 31.05.2018 which was after thirty seven (37) days, hence, considering the 30 days time limit for the PIO to furnish the information, there was a delay of **seven (7) days**, for which penalty was attracted.

There were two (2) PIOs – one PIO for Establishment matters and the other PIO for the Engineering Wing. The RTI application was first received by Shri. I. Temjen Ao, Deputy Director & PIO (Establishment), Directorate of Tourism, Nagaland, Kohima, however since the information sought were relating to engineering works/matters, the RTI application was transferred to the Engineering Wing. Shri. Vikheto Z. Kiba, Junior Engineer & APIO, Engineering Wing of the

Directorate of Tourism, Nagaland, Kohima submitted that he had received the RTI application on the same day i.e. 24.04.2018. He stated that he had prepared the information, however, the information could be furnished to the applicant only on **31.05.2018** since the PIO was on leave. Further, he also owned responsibility for the delay in furnishing the information to the applicant(now appellant).

DECISION:

On the above observations and findings, since Shri. Vikheto Z. Kiba, Junior Engineer & APIO, Directorate of Tourism, Nagaland, Kohima had contributed to the delay of **seven (7) days** in furnishing the information to the applicant (now appellant) without reasonable cause, the Commission had, under Section 20 of the RTI Act, 2005, decided to impose penalty @ Rs. 250/- per day of delay amounting to a total of **Rs. 1750.00** (Rupees one thousand seven hundred and fifty only).

The penalty amount shall be deposited into the Government account through **treasury challan** in favour of the Consultant (Accounts), Nagaland Information Commission, Kohima under the Head of Account given below, with a copy of the treasury challan(in original) to this Commission:-

0070 - Other Administrative Services
60 - Other Services
118 - Receipts under RTI Act, 2005

The above compliance shall be submitted to this Commission **within fifteen (15) days** from the date of receipt of this decision.

On receipt of the above penalty, the Commission shall close the case, since sufficient time had lapsed and there was no response from the applicant(now appellant) regarding his satisfaction or non-satisfaction with the information relating to the present RTI application dated 24.04.2018, suggesting that he had no interest to pursue his appeal further and was satisfied.

Decision pronounced in the presence of only the respondents on 19.02.2019 at 12:00 PM.

Copy be given to:-

1. Smti. Akhale Vizol, Director & FAA, Directorate of Tourism, Nagaland, Kohima, Mobile No. 9612158350.
2. Er. Hutoka Sema, Executive Engineer and former PIO, Directorate of Tourism, Nagaland, Kohima (now transferred and posted as Executive Engineer, O/o the Vigilance Commissioner, Nagaland, Kohima) Mobile No. 9436014535.
3. Shri. I. Temjen Ao, Deputy Director & PIO, Directorate of Tourism, Nagaland, Kohima, Mobile No. 9436261259.
4. Er. Shekhotso Vero, SDO & PIO, Directorate of Tourism, Nagaland, Kohima, Mobile No. 9436200936.
5. Shri. Vikheto Z. Kiba, Junior Engineer & APIO, Directorate of Tourism, Nagaland, Kohima, Mobile No. 9863414388.
6. The Consultant(Accounts), Nagaland Information Commission for information.
7. The Computer Programmer, Nagaland Information Commission for uploading on the Commission's website and Notice Board.
8. The applicant (now appellant) Shri. K. Zeliang, Nagaland, Kohima, Mobile No.9402245680/ 9436208756.
9. Office Copy.

Sd/-

CHANBEMO LOTHIA
Chief Information Commissioner

Sd/-

G. H. RAMLIA
State Information Commissioner

Sd/-

KEVIZATUO MIACHIEO
State Information Commissioner

Authenticated true copy:-

(WORHONTHUNG EZUNG)
Secretary