

NAGALAND INFORMATION COMMISSION

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No. NIC/Complaint-3/2017-18

Dated Kohima, the 17th July, 2018

Complainant : Shri. Akavi Sumi,
House No. 168,
Lower Forest Colony,
Kohima, Nagaland,
Mobile No. 9402403339/7105321808

Respondent : The concerned PIO,
Nagaland State Disaster Management Authority,
Home Department,
Nagaland, Kohima.

Public authority : Nagaland State Disaster Management Authority (NSDMA),
Home Department, New Civil Secretariat,
Nagaland, Kohima.

Date of first hearing : 15.03.2018 at 12:00 PM.
Date of first decision : 27.03.2018.

Date of second hearing : 06.07.2018 at 1:00 PM.
Date of second decision : 17.07.2018.

Present:

1. Shri. Rovilatuo Mor, IAS, Secretary & PIO, Nagaland State Disaster Management Authority, Home Department, Nagaland, Kohima, Mobile No. 9436005679.
2. Shri. Jhonny Ruangmei, OSD & APIO, NSDMA, Nagaland, Kohima, Mobile No. 9856680933.

The applicant (now complainant) **did not appear** for the hearing.

FACT OF THE CASE

The Commission had, on 15.03.2018 at 12:00 Noon heard the complaint dated 21.09.2017 submitted by Shri. Akavi Sumi, House No. 168, Lower Forest Colony, Kohima, Nagaland, Mobile No. 9402403339/7105321808 against the unsatisfactory and late response of the PIO, Nagaland State Disaster Management Authority (NSDMA), Home Department, Nagaland, Kohima to his RTI application dated 21.06.2017.

And after the hearing, the Commission had passed decision vide even No. dated 27.03.2018 wherein the concerned PIO, Nagaland State Disaster Management Authority, Home Department was directed to furnish the information to the applicant (now complainant) and with a copy to the Commission within 1 (One) month from the date of receipt of the decision.

In compliance to **Point Nos. 1 & 2** of the decision of the Commission of even No. dated 27.03.2018, the Secretary & PIO, NSDMA, Home Department had, vide letter No. NSDMA/RTI/2011(Pt-1)/1194 dated 27.04.2018 furnished the information to the applicant (now complainant) and had also requested the applicant (now complainant) to submit confirmation of satisfaction or non-satisfaction of the information so furnished to him within 10 (Ten) days from the date of issue, and further, if no response is received, the information furnished shall be considered as satisfied.

Also, in compliance to **Point No. 3** of the decision of the Commission dated 27.03.2018, the amount of Rs. 20 (Rupees Twenty only) was enclosed in the copy of the above decision which was endorsed and issued to the applicant (now complainant).

And in compliance to **Point No. 4** of the decision of the Commission of even No. dated 27.03.2018, the Secretary & PIO, NSDMA, Home Department had, vide letter No. NSDMA/RTI/2011(Pt-1)/1195 dated 27.04.2018 submitted to the Commission stating that the cause of the delay was due to the fact that the department was attending to some emergency during the time when the RTI application was received. The said RTI application was received by the PIO, NSDMA on **21.06.2017** and was endorsed to the APIO, however the application did not reach the APIO, and only after a reminder was received on 21.08.2017, the application was traced and found and accordingly the information was furnished.

On receipt of the above reply from the PIO, NSDMA, since the compliance was not specific and clear, the Commission had, vide letter of even No. dated 18.05.2018 again directed the Secretary & PIO, NSDMA, Home Department to submit a detail compliance on point No. 4 in accordance with the decision of the Commission dated 27.03.2018 and along with a copy of the RTI application dated 21.06.2017, within 2 (Two) weeks from the date of receipt of it's directive.

In compliance to the Commission's directive of even No. dated 18.05.2018, the Secretary & PIO, NSDMA, Home Department had, vide letter No. NSDMA/RTI/2011(Pt-1)/1262 dated Nil submitted his reply to the Commission.

The Commission has decided to hear the complaint giving opportunity of being heard to all the parties **on 6th July, 2018 (Friday) at 1:00 P.M** in the **Hearing Room of Nagaland** and had also directed **to bring the files and relevant documents** in question for scrutiny on the above date and time for hearing.

- i. The Secretary & PIO, NSDMA, Home Department, Nagaland, Kohima.
- ii. The OSD & APIO, NSDMA, Home Department, Nagaland, Kohima
- iii. The applicant (now complainant), Shri. Akavi Sumi, Lower Forest Colony, Kohima.

OBSERVATION AND FINDINGS

The applicant(now complainant) did not appear for the hearing and there was no prior intimation to the Commission regarding his absence. The hearing was held in the presence of the Secretary & PIO and the OSD & APIO, NSDMA, Home Department, Nagaland, Kohima.

On the enquiry by the Commission whether the applicant(now complainant) had received the information, Shri. Jhonny Ruangmei, OSD & APIO, NSDMA, Nagaland, Kohima replied that the information was delivered personally to the applicant(now complainant) by the office Peon on 27.04.2018, and the applicant(now complainant) had received the information on 27.04.2018 as evidenced by the signature of the applicant(now complainant) appended on the Peon Book. A copy of the Peon Book was also produced before the Commission during the hearing. He further stated that there was no response from the applicant(now complainant) till date and hence it was presumed that he was satisfied with the information.

The new PIO, Shri. Rovilatuo Mor, IAS, Secretary, NSDMA, Home Department, Nagaland, Kohima stated that the RTI application dated 21.06.2017 was received on **21.06.2017** by the former PIO, Smti. Khrienuo Metha, Commissioner & Secretary, NSDMA, Home Department, Nagaland, Kohima who had already retired from government service. And upon receipt, she had endorsed the RTI application dated 21.06.2017 to the OSD & APIO on **26.06.2017**, however, the said RTI application was kept in her drawer and during that time the NSDMA was engaged in attending to some emergency disasters and the application was probably forgotten. However, only when the applicant(now complainant) had submitted a reminder letter dated 21.08.2017, did the RTI application dated 21.06.2017 was traced out from the file cabinet of the former PIO and accordingly the information was furnished on **29.08.2017**.

The OSD & APIO also stated that **he did not receive** the RTI application dated 21.06.2017 which was endorsed to him by the former PIO on 26.06.2017. And only when the reminder was received from the applicant(now complainant), an effort was made to search for the RTI application dated 21.06.2017 and the said RTI application was found out from the drawer of the former PIO.

The Commission had heard the above submission of both the present PIO and the APIO that the said RTI application dated 21.06.2017 was actually received by the former PIO, NSDMA on **21.06.2017** i.e. on the same day and the application endorsed to the OSD & APIO on 26.06.2017, which was also evidenced on the body of the RTI application. The Commission also pointed out that

the present PIO had, vide in his letter No. NSDMA/RTI/2011(Pt-1)/ 1195 dated 27.04.2018 submitted the same to the Commission earlier.

Hence, from the date of receipt of the RTI application dated 21.06.2017 on **21.06.2017** to the date of furnishing the reply to the the applicant (now complainant) on **29.08.2017**, the Commission observed that the number of days was sixty nine (69) days. However, considering the 30 days for the PIO to furnish the information, the number of days of delay becomes (69 – 30) days= **39 days**, for which penalty was attracted.

Since the information had already been furnished to the the applicant (now complainant) on 27.04.2018 and there was no confirmation of satisfaction or non-satisfaction till date, it was presumed that the applicant (now complainant) was satisfied with the information as no further complaint was received within the stipulated time frame of one (1) month given by the Commission in its last decision dated 27.03.2018.

DECISION

On the above observations and findings, the Commission decided that under Section 20 (1) of the RTI Act 2005, penalty at the rate of Rs. 250/- per day of delay for the total delay of 39 days, amounting to **Rs. 9,750/-** (Rupees nine thousand seven hundred and fifty only) is imposed on the former PIO, Smti. Khrienuo Metha, Commissioner & Secretary (now retired), NSDMA, Home Department, Nagaland, Kohima for contributing to the delay in furnishing the information to the applicant (now complainant) without reasonable cause.

The above penalty amount shall be paid within **one (1) month** from the date of receipt of this decision. 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

On receipt of the above compliance, the Commission shall declare the complaint case as **closed**.

Decision pronounced in the presence of only the respondents on 06.07.2018.

Copy be given to all the parties:

1. Smti. Khrienuo Metha, Commissioner & Secretary & the former PIO (now retired), NSDMA, Home Department, Nagaland, Kohima.
2. Shri. Rovilatuo Mor, IAS, Secretary & PIO, Nagaland State Disaster Management Authority, Home Department, Nagaland, Kohima, Mobile No. 9436005679.
3. Shri. Jhonny Ruangmei, OSD & APIO, NSDMA, Nagaland, Kohima, Mobile No. 9856680933.
4. The applicant (now complainant), Shri. Akavi Sumi, House No. 168, Lower Forest Colony, Kohima, Nagaland, Mobile No. 9402403339/7105321808.
5. The Consultant (Accounts), Nagaland Information Commission, Kohima.
6. The Computer Programmer, Nagaland Information Commission for uploading on the Commission's website and Notice Board.
7. Office Copy.

Sd/-
CHANBEMO LOTHIA
Chief Information Commissioner

Sd/-
G. H. RAMLIA
State Information Commissioner

Authenticated true copy:-

(WORHONTHUNG EZUNG)
Secretary