

**NAGALAND INFORMATION COMMISSION  
OLD SECRETARIAT COMPLEX  
POST BOX NO.148  
NAGALAND: KOHIMA -797001**

No.NIC/Appeal-24/2012-13

Dated Kohima, the 10<sup>th</sup> Jan, 2013.

Appellant : Shri Hokishe N.Swu,  
Chekiye village, Dimapur.  
Contact No.9402865664,  
9089896123

Respondent : The Director, Science &  
Technology, Nagaland,  
Kohima.

Public Authority : Directorate of Science &  
Technology,Nagaland,  
Kohima

Date of Hearing : 09.01.2013  
Date of decision : 10.01.13

**Present:**

1. Shri C.K. Nihekhu Sema, NCS, Ex-Officio Director & First Appellate Authority, Directorate of Science & Technology, Nagaland, Kohima.
2. Dr. Zavei Hiese, Senior Scientific Officer, Directorate of Science & Technology, Nagaland, Kohima.
3. The appellant, Hokishe N. Swu, Chekiye village, Dimapur, Nagaland. Contact No.9402865664, 9089896123

**Facts of the case**

On examination of the documents available and on scrutiny of the files of the Public Authority and examination of the Director & FAA, Science & Technology, Senior Scientific Officer & PIO and STO & APIO, the following were brought to light:-

1. The RTI application of 10.07.12 was received by Director & FAA on 18.07.12 and he endorsed it to Senior Scientific Officer & PIO on 18.07.12 itself. The Senior Scientific Officer & PIO forwarded the same to STO & APIO on the same day.
2. The Director & FAA, Science & Technology wrote to the applicant on 19.07.12 stating that the Department will calculate cost of materials and manpower involved in connection with producing of information required etc.
3. Thereafter the Director & FAA, Science & Technology wrote to the applicant on 10.09.12 apparently after receiving their complaint dated 04.09.2012 mentioning the cost of materials and manpower.
4. As per records in the Department file, the STO & APIO put up the file relating to the present case to Senior Scientific Officer & PIO who endorsed the same to Director & FAA, Science & Technology on 20.07.12. The Director & FAA, Science & Technology re-endorsed the file to Senior Scientific Officer only on 22.08.2012 without giving any instructions or orders. Neither the Senior Scientific Officer & PIO nor the STO & APIO pursued the file put up to Director & FAA, Science & Technology on 20.07.12 clearly reflecting their casualness in attending to RTI matters.
5. The appellants on not receiving the information sought in spite of the two letters of the Director & FAA, Science & Technology dated 19.07.12 and 10.09.12 filed an appeal to the State Information Commission on 20.11.12 which the Commission admitted and fixed 15.01.13 as date of hearing.
6. As per the admission of the Director & FAA, Science & Technology Department, though he received the appeal of the applicant on 04.09.2012 he did not take up any hearing or pass any quasi-judicial decision or orders. His contention is that he had directed the PIO and the APIO to expedite submission of the information. He also said that when he wrote to the appellants on 10.09.12 intimating him about the cost of information viz. Rs.45.00, **the information was already ready for issue**. He had earlier also written to the applicant on 19.07.12. Hence some initiatives were taken by the Director & FAA, Science & Technology. However, the information to the queries were furnished officially only by 09.11.12 by the Senior Scientific Officer & PIO excluding reply to two queries 3 and 4 as **“they are not clearly defined.”** The fee for information furnished communicated by the Director & FAA, Science & Technology and by Senior Scientific Officer & PIO viz.

Rs.45.00 and Rs. 35.00 as communicated by the Director & FAA, Science & Technology are contradictory.

The Senior Scientific Officer & PIO and the STO & APIO also stated that some information sought was dealt by NASTEC who were asked to furnish the same urgently. This also resulted in some delays in furnishing the information in full on time.

The Director & FAA, Science & Technology, the Senior Scientific Officer & PIO and the STO & APIO were cautioned about the delay in furnishing of information on time and for not holding a hearing when appeal was filed by the petitioners. Though efforts were made to respond to the **applicants** by the Director & FAA, Science & Technology on **19.07.12** and on **10.09.12** and information was furnished by **09.11.12** (though incomplete) the Commission still holds Senior Scientific Officer & PIO and STO & APIO, responsible for delay in furnishing the information sought within the stipulated time. Based on the letter issued on **10.09.12** by the Director & FAA, Science & Technology wherein the appellant/applicant was intimated about the cost of information sought and the **statement** of the Director & FAA, Science & Technology that by the time the applicant was officially informed by him on **10.09.12**, about the information (except queries 3 & 4) being ready for issue to the applicant, the **actual delay** in forwarding the information beyond the stipulated time given in the RTI Act 2005, would be 23 days. The Senior Scientific Officer & PIO, Science & Technology had also mentioned that the cost of the materials was paid only on 09.11.12 at the time the appellant collected the materials.

### **Decision**

Taking into account the fact that the Public Authority did initiate some action to correspond with the applicant and this is the first RTI case they have handled as claimed by the Director & FAA, Science & Technology, and the Senior Scientific Officer & PIO, and the information sought (except for queries 3 & 4) has been provided, the Commission decided **as follows**:

The Senior Scientific Officer & PIO and the STO & APIO, Science & Technology Directorate shall still stand liable to be imposed a penalty under Section 20 (1) of the RTI Act, 2005 for not furnishing the information on time and also for **not** furnishing complete information (on query 3 & 4). Accordingly, the Commission is pleased to order as under:

1. The Senior Scientific Officer & PIO and the STO & APIO are **imposed a penalty of** Rs. 2875.00 each payable in 3 (three) installments w.e.f. **01.02.2013**.

The said amount shall be deposited under the Head of Account No. 0070-Other Administrative Services, Minor Head-800 Receipts and fines under RTI in favour of the Consultant (Accounts) Nagaland Information Commission, Kohima.

2. The Director & FAA, Science & Technology, the Senior Scientific Officer & PIO etc. shall furnish information on query **3 & 4** to the applicant within 2 (two) weeks of receipt of this order and copies be furnished to the Nagaland Information Commission.
3. The information not having being furnished on time, the fee of Rs.45/- paid by the appellant for the information received shall be refunded to the appellant.
4. The Senior Scientific Officer & PIO and the STO & APIO shall ensure furnishing information within stipulated time, if any, applications are received in future.
5. The Director & FAA, Science & Technology shall ensure that in future appeals or complaints addressed to him are heard and quasi-judicial orders are passed within the stipulated time..

Decision pronounced on 10.01.2013 in presence of all concerned.

Copy be given to:-

1. Shri C.K. Nihekhu Sema, NCS, Ex-Officio Director & First Appellate Authority, Directorate of Science & Technology, Nagaland, Kohima.
2. Dr. Zavei Hiese, Senior Scientific Officer, Directorate of Science & Technology, Nagaland, Kohima.
3. The appellant, Hokishe N. Swu, Chekiye village, Dimapur, Nagaland. Contact No.9402865664, 9089896123.

Sd/-  
**Lalhuma IAS (Rtd)**  
Chief Information Commissioner,  
Nagaland, Kohima

Sd/-  
**Bukchem Phom**  
State Information Commissioner,  
Nagaland, Kohima

Authenticated by

Secretary  
Nagaland Information Commission

