

NAGALAND INFORMATION COMMISSION
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No. NIC/Appeal-35/2012-13

Dated Kohima, the 6th July, 2013.

Appellant: Jagdev, S/o Surat Singh,
R/o Vill. Seidpur Tehsil,
Kharkhoda District,
Sonapat, Haryana,

Respondent: 1. Deputy Commissioner & FAA,
Office of the Deputy Commissioner,
Dimapur, Nagaland

2. Addl. Deputy Commissioner & PIO,
Office of the Deputy Commissioner,
Dimapur, Nagaland

Public Authority: Office of the Deputy Commissioner,
Dimapur, Nagaland

Date of hearing: 11.06.2013

Date of Interim Decision: 6.07.2013.

Present:

1. Smti. N. Hushili Sema, Deputy Commissioner & FAA, Office of the Deputy Commissioner, Dimapur, Nagaland;
2. Shri. Tarep Imchen, Addl. Deputy Commissioner & PIO, Office of the Deputy Commissioner, Dimapur, Nagaland;

The appellant, Jagdev, S/o Surat Singh, R/o Vill. Seidpur Tehsil, Kharkhoda District, Sonapat, Haryana **was not present**.

FACT OF THE CASE:

During the hearing held on 09.04.2013 and the Interim Decision of the Commission of even No. dated 25.04.2013, the Commission had decided that since the information had already been provided to the applicant(now appellant), though belatedly, the Addl. Deputy Commissioner & PIO, Office of the Deputy Commissioner, Dimapur, Nagaland was directed to ascertain from the applicant(now appellant) whether the information so provided had been received and to the satisfaction of the appellant. And on confirming from the appellant about the receipt and satisfaction of the information, the Addl. Deputy Commissioner & PIO, Office of the Deputy Commissioner, Dimapur was directed to intimate the Commission within **one(1) month** from the date of receipt of the Commission's Interim Order dated 25.04.2013.

Since this hearing was represented and heard by a lone State Information Commissioner, and upon receipt of the appellant's satisfaction from the Addl. Deputy Commissioner & PIO, Office of

the Deputy Commissioner, Dimapur, the next hearing was scheduled **on 11th June, 2013 (Tuesday) at 1:00 P.M.**

The second hearing was held today, the 11th June, 2013 (Tuesday) at 1:00 P.M.

OBSERVATIONS:

On perusal of the files and records produced before the Commission during the hearing today, it was found that Shri. Tarep Imchen, Addl. Deputy Commissioner & PIO, Office of the Deputy Commissioner, Dimapur, Nagaland had, vide letter No. DCD/ARMS-3/2007/RTI/217291-93 dated 26.03.2013 provided the information to the applicant(now appellant) only on 06.04.2013 by Speed Post No. EE 418890626 IN dated 06.04.2013.

And in compliance to the decision of the Commission during the hearing held on 09.04.2013, Shri. Tarep Imchen, Addl. Deputy Commissioner & PIO, Office of the Deputy Commissioner, Dimapur, Nagaland had also, vide letter No. DCD/ARMS-3/2007/RTI/2454-55 dated 20.05.2013 written to the applicant(now appellant), enclosing the details of the **online postal report**. However, till the date of this second hearing being held today, there was no response from the applicant (now appellant).

The Commission observed that the RTI application dated 07.11.2012 was received by the PIO on **19.11.2012**, and taking into account the time frame of 30 days for providing the information, the deadline expired on **19.12.2012**.

As observed during the first hearing held on 09.04.2013, since the whole officers and staff were engaged and busy to meet the deadline for the completion of the New Electoral System which was being computerised and made available online followed by the State General Election, and liaisoning with the Central Observers during and after the Elections, the RTI application dated 07.11.2012 which was received on 19.11.2012 and the first appeal dated **NIL (13.12.2012)** received on 08.01.2013 could not be processed or disposed on time.

Smti. N. Hushili Sema, Deputy Commissioner & FAA, Office of the Deputy Commissioner, Dimapur, Nagaland had also informed the Commission during the hearing that after the first hearing on 09.04.2013, the office had set up a RTI Cell.

DECISION (Interim):

After hearing the Addl. Deputy Commissioner & PIO, Dimapur, and on the above findings, the Commission had decided that:-

1. On the reasonable and convincing grounds that the entire officers and staff were engaged and busy to meet the deadline for the completion of the New Electoral System which was being computerised and made available online followed by the State General Election, and liaisoning with the Central Observers during and after the Elections, for which the RTI application dated 07.11.2012 which was received on 19.11.2012 could not be processed or disposed on time **is accepted**. Hence, the Commission took a lenient view and the period from the expiry of the 30 days time i.e. **19.12.2012** till the date of declaration of the Election results on **28.02.2013** is therefore, **condoned** in counting the number of days of delay.
2. The No. of days of delay in providing the information shall be counted from the date of after the declaration of the Election results on 28.02.2013 i.e. from **01.03.2013** to the date of sending the information by the PIO by Speed Post on **06.04.2013**, which works out to be **36 days of delay**.

3. Hence, under Section 20(1) of the RTI Act, 2005, the Commission decided to impose a penalty for the 36 days of delay @ Rs. 250.00 per day of delay which works out to be **Rs. 9000.00 (Rupees nine thousand only)**, on Shri. Tarep Imchen, Addl. Deputy Commissioner & PIO, Office of the Deputy Commissioner, Dimapur, Nagaland, which shall be paid in **single instalment** within **one week** from the date of receipt of this Commission's Second Interim Decision Order.

And the said amount shall be deposited in the Government Treasury through Treasury Challan under the:

Head of Accounts, 0070-Other Administrative Services,
Minor Head - 800, Receipts and fines under RTI.

in favour of the Consultant (Accounts), Nagaland Information Commission, Kohima, with a copy of forwarding letter and the Treasury Challan to the Commission.

4. The PIO is given **two (2) weeks** time from the date of receipt of this Commission's Second Interim Decision Order, to ascertain the proper address of the applicant (now appellant), and after which the PIO shall ascertain whether the applicant had received the information and is to the satisfaction of the applicant (now appellant) **within one (1) month** from the date of the confirmation of the proper address of the applicant (now appellant).
5. The Commission shall decide in the next hearing, depending on the satisfaction of the information received by the applicant. However, if no response is received from the applicant(now appellant), the Commission shall be compelled to close the case on the ground that the applicant is satisfied with the information so provided and that the applicant has no interest to pursue the case further.

The date of the next hearing shall be informed to all the parties later.

Decision pronounced this day on 11.06.2013.

Copies be given to the parties:-

1. Smti. N. Hushili Sema, Deputy Commissioner & FAA, Office of the Deputy Commissioner, Dimapur, Nagaland;
2. Shri. Tarep Imchen, Addl. Deputy Commissioner & PIO, Office of the Deputy Commissioner, Dimapur, Nagaland;
3. The appellant, Jagdev, S/o Surat Singh, R/o Vill. Seidpur Tehsil, Kharkhoda District, Sonapat, Haryana.
4. The Computer Programmer, Nagaland Information Commission for uploading on the website.
5. Office Copy.

Sd/-
BUKCHEM PHOM
State Information Commissioner

Authenticated by:-

(SOYIMNA AIER KOZA)
Secretary