

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

No. NIC/Appeal-35/2009/523

Dated Kohima, the 25th November, 2009

Appellant : **Mr. Khohoto Sema, Chairman, Public Grievances Cell E.U.U.N. Kohima.**

Respondent Public Authority : **Nagaland Khadi and Village Industries Board, Kohima.**

Date of Hearing - **28.10.2009**
Date of Decision - **25.11.2009**
Present - **1. Mr. Khohoto Sema**
2. Mr. Ezanimo Lotha, Public Information Officer, Nagaland Khadi and Village Industries Board, Kohima.

Facts:

The Commission received an appeal on 27.8.2009 from Mr. Khohoto Sema, Chairman, Public Grievances Cell of E.U.U.N. Kohima stating that he had submitted RTI Application dated 5.1.2009 on 12.1.2009 to the PIO Nagaland Khadi and Village Industries Board, Kohima seeking certain information. The PIO had provided incomplete information, hence he had appealed to first Appellate Authority who had given decision, but being aggrieved by information given by PIO, he submitted appeal to the Commission.

Mr. Khohoto Sema in his RTI application submitted on 12.1.2009 had sought the following information

1. Name the various schemes and projects implemented / being implemented/ under implementation/to be implemented?
2. What was the total amount sanctioned/allotted for the purpose/to each beneficiary and location of projects district/sub-division wise from the year 1988
3. Name of beneficiaries for the schemes and projects cited above
4. Copies guidelines of schemes and projects
5. Recruitment rules of the department
6. Number of various filled up/existing vacancies/posts likely to be created in near future from the year 2009.

The PIO Shri Ezanimo Lotha had on 13.5.2009 furnished some of the information and invited the applicant to visit and inspect the records. Unsatisfied, the applicant had appealed to 1st Appellate Authority, who had given decision, but still being aggrieved with the PIO, information, he has appealed to the Commission.

During the hearing on 28.10.2009 the appellant Mr. Khohoto Sema stated that he had in his RTI application sought information on total amount sanctioned/allotted to each beneficiary and location of project district/sub-division wise from the year 1988, but in view of difficulties of locating/getting documents for so many years he had now restricted his request for documents from 1994-95 to 1999-2000 – 5 years. He requests the documents in photocopies.

The PIO Shri Ezanimo Lotha submitted that it is now more than 10 years since the documents in question were handled and the relevant files and records are mostly damaged or not traceable. On 5.8.2009 they had arranged all files and records in a room and invited Mr. Khohoto Sema, to inspect and select but he declined. He stated that even for the 1994-95 to 1999-2000 all the records are not available, only some are available.

The Commission wanted to know from the PIO the rules for the period/number of years records are required to be kept in custody and also the period after which the records can be destroyed. The PIO replied that he is not aware about existence of such rules.

The Commission note that the information sought for the period 1994-95 to 1999-2000 have not been furnished. Information sought is pinpointed and hence is to be furnished in the form held by the Public Authority, who are not required to do research work nor invent information. The information sought is maintained as a matter of routine by every office.

The Commission therefore direct the PIO of the Nagaland Khadi and Village Industries Board, Kohima to furnish the information for the period 1994-95 to 1999-2000, within 10 days from the date of this decision, under intimation to the Commission, free of cost. If any part of the records are not available, he should state the precise reasons, and if destroyed, under what official orders the same were destroyed.

Under section 20 of the RTI Act 2005 a penalty at the rate of Rs. 250/- per each day of delay in furnishing the information sought, subject to a maximum of Rs. 25,000.00, is imposeable on the PIO for failing to give the information after the expiry of 30 days from the date of receipt of the RTI application. The RTI application of 5.1.2009 was received on 12.1.2009 and hence 30 days expired on 12.2.2009 and penalty is due from 13.2.2009, till the information was made available.

The Commission therefore direct Shri Ezanimo Lotha PIO of Nagaland Khadi and Village Industries Board, Kohima to show cause as to why he should not pay penalty at the rate of Rs. 250/- per each day of delay, subject to a maximum of Rs. 25,000.00, for delay in furnishing information from 13.2.2009 to 13.5.2009, i.e. 88 days, within 10 days from the date of this decision.

Pronounced in open proceedings today.
Copy be given to the parties.

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