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

No. NIC/compln-1/2007 Dated Kohima, the 22nd June, 2007

Appellant : **Shri K. C. Angami,**
President, (NGRC-I CU)

Respondent Public Authority : **Department of Works & Housing**
Office of the Chief Engineer
PWD(Housing)
Government of Nagaland

Date of Appearance to show cause : 15.5.2007

Present - 1. Appellant Party
2. Shri Vetokhu Sumi
PIO and Additional Chief Engineer PWD (Housing)
3. Legal Consul of Works & Housing Department.

Date of Order : 22.6.2007

The Public Information Officer submitted that non furnishing of the information sought in the RTI Application received on 28.8.2006 till receipt of 1st Appeal on 9.11.2006 was due to communication gap between their Officers, as APIOs/PIOs and Appellate Authorities appointed by the Department by name were not available. Designating of APIOs/PIOs and AAs and making such necessary arrangements to receive RTI Applications and dispose of such requests have been enjoined upon the Public Authority concerned under Section 5 and 7 of the Act.

Commission does not find the submission convincing for the failure to attend to the request and not furnishing the information sought till first appeal dated 9.11.2006 was preferred by the appellant.

PIOs statement that on receipt of appeal dated 9.11.2006 and the Chief Engineer PWD (Housing) had arranged some of the documents on 13.12.2006 indicate that the Department intended to make the same available. His submission that the same was not received by the appellant but was given to another person which was learnt during hearing of the Appeal by the Commission is an indication of the slipshod manner in which the Department had disposed of the request. The Commission however take a lenient view of this. A very casual approach and attitude have been exhibited in this case, and the Department is advised to be more careful and systematic in future.

The Commission note that the PIO has furnished the information sought for to the appellant within the period of 10 days as directed. The PIO had also written to the Principal Director, Medical Services, Nagaland, Kohima on 3rd May, 2007, requesting him to furnish the information on "**Construction of Medical Directorate at New Capital Complex, Kohima"** held by the Health & Family Welfare Department, under provisions of Sections 5 (4) & (6) and 6(3) of the RTI Act 2005. The Principal Director,

Health & Family Welfare is hereby directed to confirm furnishing of the same to the Commission within 10 (ten) days from the date of issue of this order.

We had directed the PIO to inquire into and fix responsibility on such subordinate officials and staff who had neglected to attend to the RTI Application of 28.8.2006 and had caused such delay, but the PIO stated that he had not conducted such inquiry nor fix any responsibility. This failure to comply with the direction of the Commission is viewed seriously. The PIO is cautioned against repeatition of such non-compliance, should any directions be issued, in future.

There being no convincing justification for the non furnishing of information sought within the prescribed period of 30 days and 75 days delay from 29.9.2006 to 12.12.2006, a penalty of Rs. 250.00 per each day of delay for 75 days amounting to Rs. 18,750.00 (Rupees eighteen thousand seven hundred and fifty) is imposed on the Public Information Officer of the Office of the Chief Engineer PWD(Housing) Nagaland, Kohima.

The amount be deposited in the Government Treasuries through a Treasury Challan in favour of

CONSULTANT (ACCOUNTS) NAGALAND INFORMATION COMMISSION
Under :

Head of Account 0070 - Other Administrative Services
Minor Head 800 - Other receipts fines under RTI Act.

Quoting this order No, and date name of the PIO and Department. The copy of the Treasury Challan be given to the Commission within a period of 15 (fifteen) days from the issue of this order.

Copy of this order be given to the parties.

One copy be given

(1) To the Principal Director, Health & Family Welfare Department Nagaland, Kohima.
(2) The Principal Secretary, Finance, Nagaland, Kohima.

Sd/-
(P. TALITEMJEN AO)
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

(ADINO)
Sr.P.S to Chief Information Commissioner
Nagaland