

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

No. NIC/Compln-21/2008

Dated Kohima, the 3rd December, 2008

Complainant : Mr. Gwasenlo Tep,
Ex-VDB Secretary V.C.M. &
Member, Vigilance and
Monitoring Committee,
Ziphenyu Village, P.O. Tseminyu
District, Kohima, Nagaland
C/o Mr. Nnoyhun Tep
Tseminyu Town.

Respondent : Department Rural Development
Public Authority Govt of Nagaland
Office of the Project Director,
DRDA, Kohima, Nagaland.

Date of Hearing - 3.12.2008

Present : (1) Mr. Gwasenlo Tep, Complainant.

**Shri Visasolie Lhoungu, Public Information Office (PIO) and Project
Director, DRDA, Kohima, Nagaland.**

Facts

Shri Gwasenlo Tep submitted a RTI application dated 13.10.2008 to the PIO & Project Director, DRDA Kohima, seeking 7 items of information. The application with fee was received on 13.10.2008. On 12.11.2008, the complainant submitted a complaint under section 18 of the RTI Act 2005 to the Commission stating that no information was received till 12.11.2008 from the PIO & Project Director, DRDA, Kohima in reply to his RTI application of 13.10.2008.

During the hearing Shri Gwasenlo Tep stated that he had approached the office of the PIO & Project Director, DRDA, Kohima just before the expiry of prescribed 30 days, but the Office Staff informed him that they did not have the information sought with them. Hence he submitted complaint under section 18 of the RTI Act 2005 to the Commission on 12.11.2008. He also, on being asked, stated that till date he had not heard from the PIO.

Shri Visasolie Lhoungu, PIO & Project Director, DRDA Kohima, stated that he had received the RTI application dated 13.10.2008 on the same day, but the information not being readily available with his Office, called for it from BDO Tseminyu the information was received after prescribed 30 days. He has not furnished the information till date.

The Commission finds that there has been delay in furnishing the information sought from 12.11.2008 to 2.12.2008, i.e. 21 days. There reason that information was not given due to transfer of BDO at Tseminyu is not a valid reason for delay as there is not such provision to delay due to change of officials, that also when the BDO office Tseminyu is located so nearby.

As per section 20 of the RTI Act 2005, penalty at the rate of Rs. 250/- per each day of delay in furnishing the information sought, without reasonable cause is to be imposed on the PIO, subject to maximum of Rs. 25,000.00.

In this case the delay is 21 days for which the amount of penalty imposeable is Rs. 5250.00.

The Commission direct Shri Visasolie Lhoungu PIO & Project Director, DRDA Kohima to show cause as to why he should not pay penalty at the rate of Rs. 250/- per each day of delay amounting to Rs. 5250.00 for delay in furnishing information sought for, within 10 working days from the date of pronouncement of this decision, in writing to the Commission.

The Commission also direct that the information sought should be furnished to the applicant within 10 working days from the date of pronouncement of this decision.

Pronounced in Open Proceedings today 3.12.2008.

Copies of this decision be given to the Parties.

Copy be given to:

1. The Commissioner & Secretary to Government of Nagaland, Rural Development Department, Kohima.
2. The Director of Rural Development, Nagaland, Kohima.

Sd/-

P. TALITEMJEN AO,IAS (Rtd)
Chief information Commissioner,
Nagaland

Sd/-

REV.DR. W. PONGSING KONYAK
State Information Commissioner,
Nagaland

Sd/-

R. KUHOI K ZHIMOMI
State Information Commissioner,
Nagaland.

Authenticated by

(**ADINO**)

Sr. P.S. to Chief Information Commissioner,
Nagaland.