

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

No. NIC/Compln-21/2008/89

Dated Kohima, the 6th May, 2010

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

Date of Decision on show cause - 5.5.2010

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

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

The Commission in its decision on 3.12.2008 had directed Shri Visasolie Lhoungu PIO and 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 within 10 days from the date of pronouncement of the decision.

Shri Visasolie Lhoungu PIO submitted his reply to the show cause on 11.12.2008 admitting the delay in furnishing the information sought to Mr. Gwasenlo Tep within the prescribed 30 days due to various reasons at the Block level.

He submitted – that the information sought not being readily available, APIO/BDO Tseminyu was asked to provide the information, for which 5 days were requested to be computed under section 5 (2) of the Act; that Shri Gwasenlo Tep had stated in his application that he would collect the information personally and he was requested on 11.11.2008 to collect the information on 14.11.2008, but he did not collect the information, though the information was ready by 14.11.2008. He stated that the information was furnished to the applicant on 3.12.2008. He therefore requested that the penalty may kindly be condoned.

The Commission observe that there is no provision to compute 5 days when the RTI application is received by the PIO as provision of Section 5 (2) applies when APIO receives the RTI application and forwards to PIO. In this case the RTI application of 13.10.2008 was received by the PIO himself on the same day.

In his RTI application of 13.10.2008 the applicant Shri Gwasenlo Tep had stated that he would

collect the information sought personally. He had approached the Office of the PIO & Project Director DRDA Kohima just before the expiry of prescribed 30 days, on 11.11.2008, when he was told by the Staff that they did not have the information sought but the staff requested him to collect the same on 14.11.2008. The PIO Shri Visasolie Lhoungu submits that the applicant did not collect the information as requested and the same were furnished to him on 3.12.2008, the day of hearing.

The Commission note that the applicant had personally approached the PIO's Office on 11.11.2008, 2 days before expiry of 30 days prescribed but the information was not available. He was requested to collect on 14.11.2008 by the Staff of PIO & Project Director DRDA Office Kohima. Shri Gwasenlo Tep submitted complaint under section 18 of the RTI Act 2005 to the Commission on 12.11.2009. He had stated that he had not heard from the PIO after that and the information was furnished on the day of hearing on 3.12.2008.

DECISION

The Commission finds that the PIO's plea for computation of 5 days under section 5 (2) is not tenable as the application was received by the PIO. However taking into consideration the casual approach by the office of the BDO Tseminyu and the subsequent communication gap, the Commission takes a lenient view of the resultant lapse on the part of the PIO and decides not to impose penalty.

The Commission take a serious view about the casual approach on the part of the BDO office Tseminyu in dealing with the request by the PIO to provide information to enable him to furnish the information sought to the applicant and laxity on the part of the Office of the Project Director, DRDA, Kohima in dealing with this RTI Application.

The Commission direct the Project Director, DRDA Kohima (and PIO) to sensitize and gear up the mechanism to deal with RTI application in all the offices and establishments under his jurisdiction within the next 15 days from the date of pronouncement of the decision and confirm compliance to the Commission.

Pronounced in Open Proceedings today.
Copies of this decision be given to the Parties.

Copy be given to:

1. The Commissioner & Secretary to Government of Nagaland, Rural Development Department, Government of Nagaland, 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/-

Dr. Kuhoi K Zhimomi
State Information Commissioner,
Nagaland.

Authenticated by

Under Secretary
Nagaland Information Commission
Kohima