

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

No. NIC/Compln-23/2008

Dated Kohima, the 11<sup>th</sup> December, 2008

**Complainant** : **Mrs. Shürhini-ü Mepfhüo**  
**Kohima Village, L. Khel.**

**Respondent** : **Department School Education**  
**Public Authority** : **Office of the Director of SCERT**  
**Nagaland, Kohima.**

**Date of Hearing** - **11.12.2008**

**Present** : **(1) Mrs. Shürhini-ü Mepfhüo , Complainant.**  
**(2) Mr. Sashitemjen, Public Information Office (PIO), SCERT, Kohima,**  
**Nagaland.**

**Facts**

Mrs. Shürhini-ü Mepfhüo, Kohima Village L. Khel submitted RTI Application dated 20.10.2008 to the PIO Department /Directorate of SCERT, Nagaland, Kohima, seeking 4 items of information. The application was received by the PIO on 20.10.2008, but the information sought was not furnished within the prescribed 30 days. The applicant therefore submitted complaint to the Commission on 27.11.2008 stating that the PIO had not replied to her query.

During the hearing, the complainant Mrs. Shürhini-ü Mepfhüo stated that she had not been furnished the informations sought vide her RTI Application of 20.10.2008, till date, but that she was yesterday informed by the SCERT Office to collect the information.

The PIO Mr. Sashitemjen stated that he received the RTI application of 20.10.2008 but due to other pre occupations and official works he could not collect and furnish the informations sought within the prescribed 30 days but informed the Commission that informations are now ready.

**Decision**

The Commission observe that the information sought has not been furnished. The RTI application having been received on 20.10.2008, the prescribed 30 days expired on 19.11.2008.

As per Section 20 (1) of the RTI Act 2005, penalty at the rate of Rs. 250/- per each day of delay subject to a maximum of Rs. 25,000/- is imposeable for delay in furnishing information without reasonable cause.

In this case the delay is from 20.11.2008 to 4.12.2008, the date on which the hearing was fixed (but refixed on request by complainant), i.e. 14 days for which penalty under section 20 of the Act can be imposed on the PIO.

The Commission direct the PIO Mr. Sashitemjen to show cause as to why he should not pay penalty at the rate of Rs. 250/- per each day of delay subject to maximum of Rs. 25,000/- as per section 20 (1) of the Act, for the period 20.11.2008 to 4.12.2008 i.e. 14 days, within 10 working days in writing to the Commission, from the date of pronouncement of this decision.

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 and report compliance.

Pronounced in Open Proceedings today 11.12.2008.

Copies of this decision be given to the Parties.

Copy be given to:

1. The Additional Chief Secretary, Education (SCERT) Department, Nagaland, Kohima
2. The Director, SCERT, 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 me

Under Secretary,  
Nagaland Information Commission,  
Kohima.