

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

No./NIC/Compln-26 /2009/456

Dated Kohima, the 29th July 2009.

Complainant : **Mr. V. Vinito Choppy,**
President,
Consumer Society, Dimapur – 797112,
Nagaland

Respondent : **Department of Legal Metrology And**
Public Authority **Consumer Protection,**
Government of Nagaland,
Nagaland, Kohima.

Date of Hearing : **25.3.2009**
Date of Decision : **25.3.2009**

Date of decision on
reply to show cause notice : **13.5.2009**
: **3.6.2009**
: **29.7.2009**

Present : (1) Shri Ramongo Lotha, Public Information Officer &
Addl. Secretary Legal Metrology & Consumer
Protection Nagaland, Kohima.
(2) Shri V.H. Zhimomi Addl. Controller Legal Metrology
& Consumer Protection Nagaland, Kohima.

Absent : (1) Complainant
(2) Smt. P. Asosa Ana, Deputy Secretary Legal Metrology
& Consumer Protection, Nagaland, Kohima.

Facts

The Commission in its decision dt 13.5.2009 had directed Shri Ramongo Lotha Public Information Officer & Addl. Secretary Legal Metrology & Consumer Protection to inquire for the delay and negligence among officials of the Department and fix responsibility on each of the officials. Shri. Ramongo in his report dated 25.5.2009 to the Commission submitted that (1) Smti. Asosa Anna APIO and Deputy Secretary Legal Metrology & Consumer Protection and (2) Shri.V.H. Zhimomi Addl. Controller Legal Metrology & Consumer Protection were responsible for the delay in giving the information sought due to which the RTI applicant was given the information late.

The Commission directed Smt. Asosa Anna and Shri V.H. Zhimomi to show cause in person on 3.6.2009 as to why penalty should not be imposed on them. They could not explain their position in person, hence they were directed to submit reply to show cause in written, which were received on 9.6.2009 & 10.6.2009 respectively.

Smti. Asosa Anna submitted that on receipt of the RTI application on 11.11.2008 a letter was issued to Addl. Controller Legal Metrology & Consumer Protection on 21.11.2008 requesting for the informations sought, which was handed over to Mr. Silie Nodal Officer of Directorate of Legal Metrology & Consumer Protection on 24.11.2008 according to their issue Register.

Shri V.H. Zhimomi Addl. Controller Legal Metrology & Consumer Protection submitted that the letter from Secretariat was received on 3.12.2008 as per their office record. He submitted that none of their officers and staff are aware of the provisions of RTI Act 2005 nor have they been trained hence delay was caused in submission of the information, and requested the Commission to pardon the Department.

Decision

The Commission observe that the Addl. Controller had received the letter from the PIO's office, requesting the information within the 30 days period, which expired on 10.12.2008, but had not provided the information to the PIO till 23.3.2009. The information sought was furnished to the applicant on 25.3.2009 only.

The submission of the Addl. Controller Legal Metrology & Consumer Protection that delay was due to officers & staff of the Directorate not being aware of RTI Act 2005 provisions is not reasonable nor convincing for such long delay.

Hence the Commission decides to impose penalty under Section 20 of the RTI Act 2005 on Shri. V.H. Zhimomi Addl. Controller Legal Metrology & Consumer Protection, treated as PIO under section 5 (5) for delay of 104 days from 11.12.2008 to 24.3.2009 @ Rs. 250/- per each day of delay which amounts to Rs. 25,000/- maximum. However the Commission take a lenient view for the period from 4.3.2009, the date on which the RTI complaint was received and Commission issued notice for hearing due to which the furnishing of information was activated, till it was furnished on 25.3.2009. Hence the penalty imposed on Shri. V.H. Zhimomi is decided to be for 83 days i.e. from 11.12.2008 to 4.3.2009 @ Rs. 250/- per each day of delay amounting to Rs. 20,750/- only.

He is directed to pay the amount by depositing it in the Government Treasury through 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 number, date, the name of the PIO and Department.

He may pay the penalty amount in 4 equal installments of Rs. 4000.00 each followed by a fifth installment of Rs 4750.00

The first installment should be deposited latest by 7th August 2009, the second installment latest by 7th September 2009 the third installment latest by 7th October 2009, 4th installment by 7th November 2009 & 5th installment by 7th Feb. 2010.

One copy of the Treasury Challan showing deposit and receipt by the Treasury should be given to the Consultant (Accounts) of the Commission latest by 10th of the month of payment of installment each month respectively.

The Commission is constrained to note that the PIO Shi. Ramongo Lotha Additional Secretary Legal Metrology and Consumer Protection Nagaland, just endorsed the RTI Application to his subordinate but did not pursue for obtaining the information sought for furnishing to the applicant within the prescribed period and thus shirked responsibility. In similar manner Smti. Asosa Anna, APIO and Deputy Secretary of Legal Metrology and Consumer Protection, issued a letter to the Additional Controller Legal Metrology and Consumer Protection but did not remind or pursue to obtain the information.

The Commission observe that the officers and staff of the Department are not conversant with the provisions of the RTI Act 2005 and that no proper mechanism has been set up to deal with RTI Applications.

The Commission therefore direct the Head of the Administrative Department of Legal Metrology and Consumer Protection to issue directions for sensitizing of the officials and gearing up the mechanism to deal with RTI applications in the Department within a period of one month from the date of issue of this decision.

Pronounced in open proceedings today 29.7.2009

Copies be given to the Parties.

Copy be sent to :

1. The Secretary to the Government Legal Metrology and Consumer Protection Nagaland, Kohima.
2. The Controller Legal Metrology and Consumer Protection 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