

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

No. NIC/compln-3/2007

Dated Kohima, the 22nd June, 2007

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

Respondent : **Department of Works & Housing**
Public Authority : **Office of the Public Health**
Engineering
Department.
Government of Nagaland

Date of Appearance to show cause : **15.5.2007**

Present - **1. Appellant Party**
2. Shri Mhondamo Ovung
PIO and Additional Chief Engineer (PHED)
and Staff.

Date of Penalty Order : **22.6.2007**

The Commission had directed the PIO Shri Mhondamo Ovung to appear before the Commission on 15.5.2007 to show cause why he should not pay a penalty of Rs. 250/- per day for every day of delay in furnishing the information sought to the Applicant, vide Decision notice dated 2.5.2007.

The PIO appeared and in writing submitted that he may be exempted from paying penalty and that, in addition to what he had stated during hearing of the Appeal, the RTI Application received on 28.8.2006 was tampered to address to Chief Engineer (PHED) and reached him as normal dak only on 22.9.2006, that Finance Department clarified his query about fees only on 11.12.2006, that the NGRC-I CU instead of clarifying about Head of Account of fee, had applied to the Appellate Authority on 9.11.2006, because of which he, the PIO, could not take action and the first Appellate Authority did not take follow up action. He had served explanation call letter on two members of his staff on 4.5.2007 for the tempering on the RTI Application of 28.8.2006 and non submission of Rs. 10/- fee for which receipt had been issued on 28.8.2006. The explanation letter dated 7.5.2007 of one Typist Grade-III, submitting that she was not trained for RTI and was completely in dark has been enclosed in the PIOs letter to us. However no inquiry report fixing responsibility on any staff has been submitted.

The Commission does not find convincing justification in the above submissions for not processing the request for information and not furnishing the same to the appellant. Even if the address on the RTI Application of 28.8.2006 was made Chief Engineer (PHE) by striking out PIO in the office, the subject in the same is clearly written Application for Information under Right to Information Act, 2005. Government of Nagaland through Notification No. Ar-3/Gen-147/2005(A) dated Kohima, the 30th November, 2005, (Published in the Nagaland Gazette Extraordinary on 30th November, 2005) had Notified Nagaland State Right to Information (Regulation of Fee and Cost) Rules 2005, in Paras 3 & 6 of which the procedure for receipt and deposit of such fees have been clearly spelt out. Sensitizing of the Office Staff and making systematic arrangement for dealing with RTI Application is the responsibility of the Department/Public Authority concerned. The Commission note that the PIO has furnished the information sought to the Appellant on 4.5.2007 in compliance to the direction given. Though there is no indication of malafidely denying the information sought, it is noticed that there have been very casual approach and negligence on the part of the Public Authority concerned in handling this RTI Application. The Department is advised to gear up the mechanism and to be more careful in future.

The Commission, therefore, decides to impose the penalty for failure to furnish the information to the applicant within the prescribed time limit of 30 days, without reasonable cause as specified under Section 7 (1) of the Act, upon the PIO. Under provision of Section 20 (1) of the RTI Act 2005, he is liable to pay a penalty of Rs. 250/- per day w.e.f. 29.9.2006 till furnishing of the information on 4.5.2007, subject to a maximum of Rs. 25,000.00. The Commission has however taken a lenient view and waive off the penalty for the period from which the first appeal was preferred on 9.11.2007 and the matter went into the hands of the Appellate Authority. The Commission accordingly imposes penalty upon the PIO Shri M. Ovung for 42 days from 29.9.2006 to 9.11.2006, at Rs. 250/- per day amounting to Rs. 10,500.00.

He is directed to pay the amount by depositing in the Government Treasury through a Treasury Challan in favour of

**Consultant (Accounts)
Nagaland Information Commission Kohima**

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.

One copy of the Treasury Challan should be given to the **Consultant (Accounts) of the Commission within 30 days** from the date of issue of this order.

Copy of this order be given to the parties.

One copy each be given to

1. The Secretary to Government of Nagaland, Public Health Engineering Department.
2. The Chief Engineer, Public Health Engineering Department, Nagaland.
3. 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 me

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