

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

No.NIC/Compln-3/2007

Dated Kohima, the 2nd May, 2007

APPELLANT : **SHRI K.C. ANGAMI,
PRESIDENT, (NGRC-I CU)**

RESPONDENT : **DEPARTMENT OF
PUBLIC AUTHORITY** **PUBLIC HEALTH ENGINEERING
OFFICE OF THE
CHIEF ENGINEER PHED,
GOVERNMENT OF NAGALAND**

DATE OF HEARING - **18.04.2007**
DATE OF DECISION - **02.05.2007**

FACTS

On 28.8.2006, the appellant submitted application under RTI to the Public Information Officer of Directorate of Public Health Engineering Department requesting for documents related to supply and construction works under the department w.e.f. January, 2006 upto date such as –

1. Copy of Notice Inviting Tender with clips of all the newspaper advertisements
2. Copy of Work Order
3. Bills of quantities
4. Contract agreement
5. Comparative statement of tenderers

On not receiving any information within the time limit of 30 days, he submitted first appeal to the Appellate Authority, Directorate of PHED on 9.11.2006. He did not receive any decision from the Appellate Authority within the prescribed time limit under RTI. He therefore preferred second appeal before the Commission on 19.3.2007 praying for necessary action under RTI Act.

The Appeal was heard by the Commission on 18.4.2007. The following were present.

1. Shri K.H. Savi
Legal Advisor, NGRC-I CU.
2. Shri Mhondamo Ovung,
PIO and Additional Chief Engineer (PHED)
3. Shri Khetovi,
Chief Engineer, PHED and Appellate Authority

Both the parties were given opportunity to make their statements and heard.

The Public Information Officer of the Directorate of PHED stated that he had received the application dated 28.8.2006 but had not received the fee of Rs. 10.00. He submitted that he does not have the information nor know about the details, as different level of Officers in the department have their delegated powers, consignee and agreements are made at appropriate levels eg. SE,EE. He informed that he had written to Finance Commissioner, Nagaland requesting him to let their office know the Head of Account for deposit of Rs. 10.00 fees for RTI Application.

The Chief Engineer and Appellate Authority, PHED expressed that they are not experienced and were not clear whether the information sought relate to Directorate of District level information. He informed that they are ready to make available whatever information is requested in public interest, even if it is late.

The Appellant did not agree to the plea about ignorance of RTI provisions or procedure by the Public Authority concerned. He stated that they have sought information for 8 months only w.e.f. January, 2006, and if the Department has not issued any work order during that period, they reply should have been given accordingly. He expressed that they had difficulty of access to the Public Information Officer who was not ready to accept the fee of Rs. 10.00. He has however obtained and produced receipt for the application with fees.

DECISION NOTICE

The Commission is constraint to note that the information sought have not been furnished but delay has been caused due to confusion about procedure and provisions of RTI which could have been sorted out and avoided. There has been a delay of 172 days counting from the expiry of the time prescribed for the PIO. We also observe that the staff who received the RTI application dated 28.8.2006 in the office of the Public Authority had changed the designation in the address from Public Information Officer to Chief Engineer PHED, thereby converting the same to status of normal correspondence. A serious view of this is taken. The Public Information Officer is directed to appear before the Commission at 1200 hours on 15.5.2007 in the

Zonal Council Hall to show cause why he should not pay a penalty of Rs. 250/- per day for every day of delay in furnishing of information as requested subject to a maximum of Rs. 25,000.00.

The Commission also direct the PIO to inquire and fix responsibility on the concerned officials who had changed the designation of PIO to Chief Engineer (PHED) thus contributing to delay in processing the application. Such officials will appear before the Commission at 1200 hrs. on 15.5.2007 to show cause why each of them should not pay a penalty of Rs. 250/- per each day of delay caused by each of them in processing the application for furnishing information as sought.

The information as requested should be furnished by the PIO of the Public Authority within 10 (ten) working days to the appellant free of cost and report compliance.

This decision is pronounced in open proceedings today.

(P. TALITEMJEN AO)
Chief Information Commissioner,
Nagaland.

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

(DR. KUHOI K ZHIMOMI)
State Information Commissioner
Nagaland

Authenticated

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