

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

No. NIC/Compln-34/2009/

Dated Kohima, the 17th December 2009,

Complainant - **Smti. Thukungolu, C/o Mr. Cusayi Lohe, Lily Printing Press, Opp:- Congress Bhavan Kohima.**

Respondent - **Home Department, Office of the Director**
Public Authority **General of Police, Nagaland, Kohima.**

Date of Hearing - **28.10.2009**
Date of Decision - **25.11.2009**
Date of Decision on reply to show cause notice – 17.12.2009

Present - **1. Smti. Thukungolu**
2. Shri S.R. Saravanan AIG Supply representing PIO.

The Commission in its decision on 25.11.2009 directed Shri L.L. DOUNGEL PIO of the Office of DGP, Nagaland, Kohima to show cause as to why he should not pay penalty under Section 20 of the RTI Act 2005 for delay in furnishing information sought at Rs. 250/- for each day of delay subject to maximum of Rs. 25,000/- w.e.f. 22.6.2009 till the date the information is furnished, within 10 days.

Shri L.L. DOUNGEL PIO submitted his reply to the show cause notice on 4.12.2009 stating that the information sought could not be furnished by due date and was done so only on 25.11.2009, as he was given the information by the Chairman of the Board only on 12.11.2009. He submitted that the delay was inadvertent and not prompted by malafide intention and that the lesson drawn from this instant case will ensure that such lapses do not occur and hence requested that penalty may not be imposed on him.

The Commission, from the statement of the PIO, observe that the then PIO had written to the Chairman of the Recruitment Board for the LDA cum Computer Assistant under 14 NAP (IR) Battalion on 22.5.2009 asking him for the information but no such information was received till date of hearing on 28.10.2009. This being the case, the Chairman of that particular Recruitment Board who is a deemed PIO under Sub-Sections (4) & (5) of Section 5 of RTI Act 2005, due to non submission of information by him, has contributed to the delay in furnishing information sought to the applicant by the PIO.

Under Section 20 of the RTI Act 2005, a penalty at the rate of Rs. 250/- for each day of delay subject to a maximum of Rs. 25,000.00 is imposeable on the PIO for delay in furnishing information from the day after expiry of prescribed 30 days till the information is provided. The RTI Application was received on 21.5.2009 and the prescribed 30 days expired on 20.6.2009.

The Commission, before proceeding further, direct the Chairman of the particular Recruitment Board for LDA cum Computer Assistant under 14 NAP (IR) Battalion to show cause as to why he should not pay penalty at Rs. 250/- for each day of delay in furnishing information sought, subject to maximum of Rs. 25,000.00, for the period from 21.6.2009 (i.e. the date from which penalty is imposeable) to the date on which he had given the information to the PIO, within 10 working days from the date of pronouncement of this decision.

Pronounced in Open Proceedings today.

Copies be given to the parties.

Copy be given to the Chairman, Recruitment Board for LDA cum Computer Assistant under 14 NAP (IR) Battalion, along with a copy of the Commission Decision of 25.11.2009, C/o the PIO, PHQ.

Copy be sent to

1. Home Commissioner, Nagaland, Kohima.
2. DGP 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

Sr. Private Secretary to
Chief Information Commissioner
Nagaland