

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

No. NIC/Compln-38/2009/

Dated Kohima, the 3rd March, 2010.

Complainant : **Dr. K. Hoshi**
C/o Royal Foundation School
Phek Town, P.O. Phek – 797108
Nagaland.

Respondent : **Department of Social Welfare, Nagaland.**
Public Authority : **Office of the District Welfare Officer, Phek**
Nagaland.

Date of Hearing - **16.12.2009**
Date of Decision - **3.3.2010**
On reply to the show cause

Present - **1. Shri Nochet Aier, Director, Social Welfare Department,**
Nagaland.
2. Shri Khevito T. Shohe, PIO Directorate of Social Welfare
District Kohima.
3. Shri T. Sangtam PIO and District Welfare Officer, Phek.
4. Dr. K. Hoshi.

The Commission in its decision on 16.12.2009 had directed Shri T. Sangtam PIO and District Welfare Officer, Phek to show cause as to why he should not pay penalty @ Rs. 250/- for each day of delay in furnishing information sought subject to maximum of Rs. 25,000.00 from 11.9.2009 till the date the information is actually furnished.

Shri T. Sangtam PIO submitted his reply to the show cause dated 23.12.2009 which was received on 6.1.2010 in which he stated that non furnishing of the information sought within the prescribed time was not intentional as his office had to requisition the information from the Directorate of Social Welfare, Kohima on 10.8.2009, the same day the RTI application was received. He submitted that the Directorate of Social Welfare, Kohima had provided him the information only on 15.12.2009 and requested that the penalty imposeable on him may kindly be condoned in view of reasons above.

The RTI application was received by the PIO on 10.8.2009, the District Welfare Officer, Phek on 10.8.2009 wrote to the Director, Social Welfare, Kohima asking the Directorate Office to furnish the documents. The prescribed information was provided to the District Welfare officer, Phek on 15.2.2009.

The Director of Shri Nochet Aier informed the Commission that he received the latter of DWO dated 10.8.2009 on 29.8.2009 and endorsed the same to the PIO of the Directorate on the same day as it was urgent RTI matter.

Shri Khevito T. Shohe, PIO of the Directorate of Social Welfare, Kohima stated that he sent the papers/request for information to the Engineering section i.e. the Executive Engineer of the Directorate on 31.8.2009. The Engineering section gave him the documents/information on 25.9.2009. He provided the information/documents to the District Welfare Officer Phek on 23.12.2009.

The District Welfare Officer Phek and PIO furnished the information to the applicant on **23.12.2009**.

The Commission observe that the Officials whose assistance were sought and were asked to provide the information had each delayed, after the prescribed 30 days expired on 10.9.2009, and contributed to the delay. There has been a delay of 103 days i.e. from 11.9.2009 to 22.12.2009. Under Section 20 of the Act, a penalty @ Rs. 250.00 for each day of delay, subject to maximum of Rs. 25,000.00, is imposeable on the PIO for delay in furnishing information sought. After the PIO sought the assistance to provide him the information on 10.8.2009, and the Director, Social Welfare, Nagaland endorsed the request to the PIO of Directorate, Kohima on 29.8.2009, within the prescribed date, the PIO of the Directorate and the Executive Engineer of the Directorate had both delayed and contributed to the overall delay in furnishing the information to the applicant.

DECISION

Before proceeding further, the Commission therefore direct

1. Shri Khevito T. Shohe, PIO of the Directorate
of Social Welfare, Kohima.

and

2. The Executive Engineer of the Directorate
of Social Welfare, Kohima.

to show cause as to why each of them should not pay penalty @ Rs. 250/- per each day of delay that has occurred at his level that has contributed to the overall delay, within 10 days from the date of pronouncement of this decision.

The Complainant Dr. Hoshi today submitted that in his RTI application dated 10.8.2009, he had asked for technical estimate in respect of Phek ' Tribal Welfare Complex' but the estimate of Mokokchung was given to him on 23.12.2009. The PIO and District Welfare Officer Phek, Shri T. Sangtam stated that this was due to hurry and that he would furnish to the applicant the correct information. Commission direct that the correct information should be given within 10 days from the date of pronouncement of this decision.

Pronounced in open proceedings today 3.3.2010
Copy be given to the parties.

Copy be given to

1. Secretary, Social Welfare Department, Nagaland, Kohima.
5. Director, Social Welfare Department, 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

Under Secretary
Nagaland Information Commission
Kohima