

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

No. NIC/Compln-42/2009/

Dated Kohima, the 10th February, 2010.

Complainant : **Smt. Yashikala W/o Late Lipoktoshi, R/O Middle PWD
Kohima, Nagaland.**

Respondent Public Authority : **Department of Horticulture, Government of Nagaland.
Office of the Director, Horticulture,
Nagaland, Kohima.**

Date of Hearing : **10.2.2010**

Present : **Complainant Smti. Yashikala.
P.I.O. is absent.**

Facts.

Smti. Yashikala, W/o Late Lipoktoshi R/o Middle PWD, Kohima, Nagaland submitted a complaint to the Commission on 25.1.2010 under section 18 (c) of RTI Act 2005 stating that she had submitted an application seeking information under RTI to the Public Information Officer, Office of the Director of Horticulture, Nagaland, Kohima but that the PIO has not given the information sought till date.

Complainant states during the hearing that she submitted the RTI Application dated 17.11.2009 to the PIO of Horticulture Directorate on 17.11.2009, but till today 10.2.2010 she had not received any information from the PIO, on any of the 3 items of information sought.

The Commission takes serious view of the absence of the PIO during the hearing today.

The Commission note that the information sought have not been furnished. Information sought is pinpointed and hence is to be furnished in the form held by the Public Authority, who are not required to do research work nor invent information. The information sought is maintained as a matter or routine by every office.

The Commission therefore direct the PIO of the Office of the Directorate of Horticulture Kohima to furnish the information sought within 10 days from the date of this decision, under intimation to the Commission, free of cost.

Under section 20 of the RTI Act 2005 a penalty at the rate of Rs. 250/- per each day of delay in furnishing the information sought, subject to a maximum of Rs. 25,000.00 is imposeable on the PIO for failing to give the information after the expiry of 30 days from the date of receipt of the RTI application. The RTI application of 17.11.2009 was received on 17.11.2009 and hence 30 days prescribed under the Act expired on 16.12.2009 and penalty is due from 17.12.2009 till the information is made available.

The Commission therefore direct Shri Qhutovi Wotsa, PIO of Office of the Director of Horticulture, Kohima to show cause as to why he should not pay penalty at the rate of Rs. 250/- per each day of delay, subject to a maximum of Rs. 25,000.00 for delay in furnishing information from **17.12.2009 to the date on which the information is furnished to the applicant**, within 10 days from the date of pronouncement of this decision.

Pronounced in open proceeding today.

Copy be given to the parties.

Copy be sent to:

1. Commissioner & Secretary, Horticulture Department, Nagaland, Kohima.
2. Director, Horticulture, 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