

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

No. NIC/Compln-42/2009/

Dated Kohima, the 3<sup>rd</sup> March, 2010.

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

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

**Date of Hearing** : **10.2.2010**  
**Date of Decision on reply to Show cause** : **3.3.2010**

**Present** : **Shri Joseph Humtsoe, Director of Horticulture.**  
**Shri Qhutovi Wotsa, PIO.**  
**Smti. Yashikala.**

The Commission in its decision on 10.2.2010 had directed Shri Qhutovi Wotsa, PIO of the Office of the Director of Horticulture, Nagaland, Kohima 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 18.12.2010 to the day on which the information is actually furnished to the applicant, within 10 days from the date of pronouncement of the decision on 10.2.2010. Shri Qhutovi, PIO submitted his reply to the show cause on 16.2.2010 stating that –

- The RTI application was submitted through the Director of Horticulture Dak file and not personally to PIO or APIO
- On cross checking there was no contact Number, e mail or postal addresses
- however he had carried out his duties and forwarded the same to the Registrar calling for information sought, which was received on 23 November 2009
- the information was ready within the stipulated time
- the applicant never contacted nor visited the office despite absence of information required to contact her and filed complaint to the Commission
- the information could not be furnished in the absence of information required to contact her.

He therefore requested to be exempted from paying penalty.

He also stated that notice for hearing on 10.2.2010 was received at 2:30 p.m on 10.2.2010 by which time hearing was over.

The commission note as follows:

The RTI application was received by the PIO on 17.11.2009. The information sought furnished vide letter dated 23.11.2009 was actually furnished to the applicant on 10.2.2010.

At the time of receiving the RTI application, if the address given is considered to be inadequate and if contact number, email address is considered necessary, the official receiving the application should/could have obtained the same from the applicant, as well as ascertained from the applicant whether the information sought in to be collected by the application or to be dispatched by the PIO. Not having done so, the plea that information sought was ready but not furnished is not convincing reason.

There has been a delay of 54 days in furnishing the information to the applicant. The RTI application was received on 17.11.2009 and the prescribed 30 days expired on 17.12.2009.

The Commission therefore decides to impose penalty on the PIO Shri Qhutovi Wotsa under section 20 of the RTI Act 2005 to pay Rs. 250.00 per each day of delay for 54 days i.e. 18.12.2009 to 9.2.2010 amounting to Rs. 13500.00.

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

**Consultant (Accounts)  
Nagaland Information Commission**

**Under:**

**Head of Account '0070' - Other Administrative Services  
Minor Head 800 - Other receipts fines under RTI Act.**

Quoting this order number, date, name of the PIO and Department.

He may pay the penalty amount in 4 equal installments of Rs. 3000 each followed by a last installment of Rs. 1500.00.

The first installment should be deposited latest by 5.4.2010, the second installment latest by 5.5.2010 and the third installment latest by 5.6.2010, the fourth installment by 5.7.2010 and the last installment by 5.8.2010.

One copy of the Treasury Challan showing deposit and receipt by the Treasury should be given to the Consultant (Accounts) of the Commission latest by 10<sup>th</sup> of each month of the payment respectively.

The Commission notice dated 28.1.2010 directing the PIO to appear for hearing on 10.2.2010 was delivered to the Directorate of Horticulture on 29.1.2010 and duly received by that office. For the PIO to submit that the notice was received by him on 10.2.2010 at 2:30 p.m. in the same office indicate that the office is not sensitized nor is the mechanism geared up to deal with RTI matters in the Department.

The Commission express serious concern at the lack of sensitization and laxity of the mechanism to deal with RTI applications and RTI matters in the Directorate. The Commission therefore direct the Head of the Department to sensitise the officials and gear up the mechanism in the Directorate office as well as in all the subordinate establishments of the Department by issuing clear written order within 10 days from the date of pronouncement of this decision, under intimation to the Commission.

The complaint is disposed off.

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

Under Secretary  
Nagaland Information Commission  
Kohima