

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

No.NIC/Compln-45/2010/

Dated Kohima, the 3rd November, 2010

Complainant : **Shri R. Paphino Ex-MLA, Kohima
DCC Office Congress Bhavan, Kohima.**

Respondent : **Department of Rural Development,
Nagaland , Office of the Director,
Public Authority** : **Rural Development, Kohima, Nagaland.**

Date of Hearing :
9.6.2010
11.8.2010
25.8.2010
3.9.2010

Date of decision on reply to show cause : **3.11.2010.**

Present: (1) Shri.Waichiba, Public Information Officer
(2) Shri R. Paphino Ex-MLA, Complainant

The Commission in its decision on 24.6.2010 had directed the PIO Shri Waichiba to furnish the information sought by the applicant/ complainant in his RTI application of 15.4.2010, within 15 days from the date of pronouncement of the decision under intimation to the Commission. The Commission on 5.7.2010 received a request from the PIO praying for extension of time for furnishing the information as almost all field officers were engaged in time bound general Census of 2011 and 2009-2010 year ending auditing by Accountant General and National Level Monitoring Teams were visiting places of Centrally Sponsored Schemes. The Commission did not agree to the request as the grounds cited were not considered reasonable by the Commission, which was conveyed to the PIO Shri. Waichiba by the Under Secretary, Nagaland Information Commission vide letter No. NIC/Compl-45/2010 dated 7.7.2010.

The PIO Shri Waichiba appeared before the Commission on 11.8.2010 as directed and the Commission gave him opportunity to show cause in person as to why penalty as per provisions of the RTI should not be imposed on him for not furnishing the information as directed by the Commission in its decision on 24.6.2010. He could not show cause. Hence the Commission directed him by speaking order to show cause in written by 13.8.2010. On 13.8.2010, the commission received letter from the PIO apologizing and regretting for not meeting the dateline for submission of the information and citing

census operations and that APRs are not required to be maintained under NREGA, sought extension of time for submission of information to 31.8.2010.

The Commission in its order of 16.8.2010 reiterated that its decision of 24.6.2010 stands and gave him another opportunity to show cause as to why penalty under provision of RTI Act 2005 should not be imposed upon him for not furnishing information and for not complying with the direction of the Commission given on 24.6.2010. He was directed to show cause in written by 20.8.2010 and appear to show cause in person on 25.8.2010 at 1300 hrs.

On 21.8.2010, the Commission received letter dated 20.8.2010 from Shri Waichiba, PIO & Joint Director Rural Development, requesting the Commission to extend a short time to furnish complete information. HE DID NOT SHOW CAUSE, but repeated the same old reasons.

On 12.10.2010, Shri. Waichiba, PIO submitted compliance report dated 11.10.2010 to the Commission stating that APRs NREGA, had been furnished to the applicant/ Complainant on 17.9.2010 and produced a copy of that letter with receipt signed by Shri. R. Paphino.

The Commission has given the PIO Shri. Waichiba 3 opportunities to show cause in written and also in person, but he did not show cause and only asked for extension of time giving reasons not considered reasonable and conveyed to him accordingly. He had not taken the matter seriously inspite of so much opportunity given by the Commission, even after the lapse of prescribed period, as observed in our decision of 24.6.2010.

Decision

The Commission find that there has been a delay in furnishing the information sought, from the expiry of the 15 days time within which the PIO was directed to furnish the information vide Commission decision of 24.6.2010 i.e w.ef. 10.7.2010 to 16.9.2010, of 69 days.

According to section 20 of the RTI Act 2005, a penalty at the rate of Rs. 250/- per each day of delay in furnishing information sought without reasonable cause is imposable on the PIO subject to a maximum of Rs. 25,000/-.

The Commission therefore decides to impose penalty under section 20 of the RTI Act 2005, on Shri. Waichiba, PIO Cum Joint Director, Directorate of Rural Development Department, Nagaland, Kohima for delay of 69 days in furnishing information sought ie. from 10.7.2010 to 16.9.2010 at the rate of Rs.250/- per each day of delay amounting to Rs. 17,250.00 (Rupees seventeen thousand two hundred and fifty) only.

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 3 (Three) equal installments of Rs. 5750/- each.

The first installment should be deposited latest by 6th December 2010, the second installment latest by 5th January 2011, the third installment latest by 5th February 2011.

Copy of the Treasury Challan showing deposit and receipt by the Treasury should be given to the consultant (Accounts) of the Commission latest by 10th of every month of payment.

Pronounced in open proceedings today.

Copies be given to the Parties.

Copy be given to

1. Commissioner & Secretary, Rural Development Department, Nagaland, Kohima.
2. The Director, Rural Development 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

Deputy Secretary
 Nagaland Information Commission
 Kohima