

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

No. NIC/compln-5/2007

Dated Kohima, the 4th July, 2007

Appellant : **Shri K. C. Angami,**
President, (NGRC-I CU)

Respondent : **Department of Soil & Water Conservation**
Public Authority : **Office of the Director, Soil & Water**
Conservation,
Government of Nagaland

Date of Appearance to show cause : **15.5.2007**

Present - **1. Appellant Party**
2. Shri M. Limameren Ao
PIO and Deputy Director,
Directorate of Soil & Water Conservation
Nagaland, Kohima.
3. P.A. to Director, Soil & Water Conservation, Nagaland,
Kohima

Date of Penalty Order : **4.7.2007.**

The Commission in its Decision Notice dated 2.5.2007 had directed the PIO, Shri M. Limameren Ao to appear before the Commission on 15.5.2007 to show cause as to why he should not pay a penalty of Rs. 250/- per day for each day of delay subject to a maximum of Rs. 25,000/-.

The PIO along with and P.A. to Director Soil & Water Conservation appeared. He submitted orally that the RTI application dated 28.8.2006 was received by the office on 28.8.2006, but as he was on leave, the office staff had handed over the same to the Director, Soil & Water Conservation the next day 29.8.2006. He stated that the RTI Application of 28.8.2006 was not attended to, nor processed, nor was any information sought there in furnished to the applicants, till the first Appeal dated 9.11.2006 was received.

He stated that he had not conducted inquiry nor fixed any responsibility, on any Official of their office for causing delay, as directed by the Commission in the Decision Notice dated 2.5.2007.

The Commission takes a serious view of this non compliance and caution the PIO against repetition of such non compliance, should any such direction be issued, in future.

The Commission note that there have been very casual approach and negligence on the part of this Public Authority in handling the RTI Application in question. The Department is advised to be more careful in dealing with such RTI applications in future.

The Commission find that the PIO had failed to furnish the information sought for within the prescribed period of 30 days.

The RTI application of Shri K.C. Angami dated 28.8.2006 having been received in the office on 28.8.2006, the information sought for should have been supplied to the applicant within the prescribed 30 days, latest by 28.9.2006. However, the information was actually supplied only on 19.4.2007.

As per section 20 (1) of the RTI Act 2005 penalty is to be charged at a rate of Rs. 250/- per day, starting from the completion of 30 days from the date of receipt of the original application, till the actual date of providing the information, subject to a maximum of Rs. 25,000/- . Therefore, the penalty is liable to be imposed for the number of days from 29.9.2006 to 18.4.2007.

The Commission, however, having taken note that the PIO had sent out the information sought for on 15.11.2006, on direction given by the Director Soil & Water Conservation on receipt of Appeal dated 9.11.2006, though the same was actually delivered to the Appellants on 19.4.2007 only takes lenient view and decides to waive off the penalty for the period beyond 9.11.2006.

Taking the above into consideration, the Commission imposes a penalty for 42 days w.e.f. 29.9.2006 to 9.11.2006 at Rs. 250.00 per each day of delay amounting to Rs. 10,500.00 (Rupees ten thousand five hundred) only, upon Mr. Limameren Ao, Public Information Officer, Soil and Water Conservation Department, Nagaland, Kohima. He may, at his option, pay in 2 equal installments of Rs. 5,250.00 each. He is directed to pay the amount by depositing it in the Government Treasury through a 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, the name of the PIO and Department.

He may pay the penalty amount in 2 equal installments of Rs. 5,250/- each. The first installment should be deposited latest by 3.8.2007 and the second installment latest by 3.9.2007.

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 3.8.2007 for first installment and by 3.9.2007 for second installment.

Copy of this order be given to the parties.

One copy each be given to

1. The Secretary to Government of Nagaland Soil and Water Conservation Department.
2. The Director, Soil & Water Conservation Department.
3. The Principal Secretary, Finance, Nagaland, Kohima.

Sd/-
P. TALITEMJEN AO
Chief information Commissioner,
Nagaland

Sd/-
REV.DR. W. PONGSING KONYAK
State Information Commissioner,
Nagaland

Sd/-
DR. KUHOI K ZHIMOMI
State Information Commissioner,
Nagaland.

Authenticated

(**ADINO**)
Sr. P.S to Chief Information Commissioner,
Nagaland