

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

No. NIC/Compln-59/2010/

Dated Kohima, the 9th February 2011.

Complainant : Shri. Holuvi Shohe
Phishumi Village, V.K. Town
Zunheboto, Nagaland
Ph. No. 9856726372

Respondent : Department of Works & Housing, Nagaland
Public Authority : Office of the Chief Engineer (Roads & Bridges)
Nagaland, Kohima.

Date of Hearing - 16.12.2010

Date of Decision on reply to show cause - 9.2.2011

Present - Shri. V. Kehie Additional C.E. (R&B) & APIO

The complainant is absent

The Commission in its decision dated 16.12.2010 had directed Shri. D. Mero PIO and C.E. (R&B) PWD Nagaland Kohima to show cause as to why he should not pay a penalty of Rs.250/- per each day of delay for 60 days w.e.f. 17.10.2010 to 15.12.2010 for delay in furnishing information sought, without reasonable cause, subject to maximum of Rs. 25.000/-.

Shri D. Mero PIO in his reply to the show cause submitted on 21.12.2010 stated that the applicant Shi. Holuvi Shohe had earlier sought similar information which had been furnished to him during September 2010, and hence Department was of view that the same need not be furnished again; that information was called for from EE PWD Atoizu Division but due to retirement of the officer on 31.8.2010 and non posting of EE till end of November 2010, information was received from that officer on 24.11.2010 only; that preparation of Assembly questions and replies kept them busy and thus furnishing of information was delayed till 16.12.2010. Hence he requested that he may be excused from paying the penalty.

The Commission find that the reason given are not all justifiable for not furnishing the information in time. The information sought on 17.9.2010 and earlier application are not all same and similarity of information is no excuse for not furnishing or delaying. The mechanism to deal with RTI applications in the Department should by now be in position whether officer retires or not. Assembly questions and replies are accorded priority but that is no excuse for delaying furnishing of information under RTI, sought on 17.9.2010. By 16.10.2010 the prescribed 30 days had expired.

However the Commission take a lenient view for the period 17.10.2010 to 23.11.2010, the period when no E.E. (R&B) was posted in Atoizu Division, but from the day the information was provided on 24.11.2010 till 15.12.2010, there is no reasonable cause for delay.

Decision

The Commission therefore decide to impose penalty under section 20 of the RTI Act 2005, at the rate of Rs. 250/- for each day of delay for 21 days (25.11.2010 to 15.12.2010) amounting to Rs. 5250.00 (Five thousand two hundred and fifty) for delay in furnishing information sought without reasonable cause on Shri. D. Mero PIO & C.E. (R&B) PWD Nagaland, Kohima.

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, the name of the PIO and Department latest by 4th March 2011

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 10th March 2011.

Pronounced in open proceeding today.

Copy be given to the parties.

Copy be sent to:

1. Commissioner & Secretary, Department of Works and Housing, Nagaland, Kohima.
2. The Engineer in Chief PWD, 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