

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

No. NIC/Compln-6/2007

Dated Kohima, the 5th July , 2007

APPELLANT	:	SHRI HOLUTO AYE, P.S. TO MLA 33 SURUHUTO ASSEMBLY CONSTITUENCY, NAGALAND, KOHIMA.
RESPONDENT PUBLIC AUTHORITY	:	DEPARTMENT OF WORKS & HOUSING OFFICE OF THE CHIEF ENGINEER PWD(ROAD & BRIDGES) GOVERNMENT OF NAGALAND

DATE OF HEARING	-	2.5.2007
DATE OF DECISION	-	5.7.2007

FACTS

The appellant Shri Holuto Aye, submitted an application dated 23.1.2007 under RTI to the Public Information Officer, Office of the Chief Engineer, PWD (Road & Bridges) Nagaland, Kohima requesting for the following documents relating to the ‘ Construction/Maintenance of ‘ Yehemi-Asuto Aghunato PWD Road’ under 12th Finance Commission.

1. Copy of the working estimate for the work.
2. Copy of the sanction Order
3. Copy of the NIT and advertisement.
4. Copy of the Work Order
5. The terms and condition of the Work Order Agreement.
6. Copy of the Budget Allocation by the Government.

On not receiving any response from the Public Information Officer within the prescribed 30 days, he submitted an application dated 15.3.2007 to the Commission on 17.3.2007 requesting for necessary action to redress his grievance under appropriate Section of the Act.

The Commission has taken this up as a complaint under Section 18 of the Act and the matter was heard on 2.5.2007, giving opportunity to both parties to make their averments.

The following were present.

1. Shri Holuto Aye,
Applicant and Complainant.
2. Shri L. Yezhekhu Sumi
PIO and Additional Chief Engineer PWD(R&B) Nagaland, Kohima.

The PIO, Shri L. Yezhekhu Sumi stated that he was not aware of the receipt of the RTI Application in question but informed the Commission that the files relating to the matter were with the Department. On being shown the receipt dated 1.2.2007 for the RTI Application dated 23.1.2007 with Rs. 10/- fee (given by the Department) and submitted by the complainant, the PIO could not identify the signatory of the receipt.

The complainant Shri Holuto Aye informed that his application of 23.1.2007 was received by the P.S. to Chief Engineer PWD (R&B) on 1.2.2007, who had issued the receipt.

The PIO was therefore given 7 days time to identify the recipient and signatory of the receipt. The Commission did not receive any report from the PIO till date.

Decision Notice

The Commission note that the documents and Information requested have not been furnished to the applicant. The RTI application of Shri Holuto Aye dated 23.1.2007 was received in the Office on 1.2.2007 and the information requested should have been made available to the applicant within the prescribed 30 days, by 2.3.2007. As per Section 20 (1) of the RTI Act 2005, penalty is to be charged at the 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. 25,000.00. Thus the penalty is liable to be imposed for the number of days from 3.3.2007 to the date the information is actually furnished to the applicant.

The PIO is therefore directed to appear in person before the Commission on 20.7.2007 (Friday) at 1200 hours in the Zonal Council Hall, Kohima to show cause as to why he should not pay a penalty of Rs. 250/- per day for every day of delay in furnishing the documents to the applicant, subject to a maximum of Rs. 25,000.00.

The Commission hereby direct the PIO of the Department to furnish the documents sought to the applicant, free of cost, within 10 (ten) working days from the date of pronouncement of this decision and report compliance.

This decision is pronounced in open proceedings today the 5th July, 2007.

Copy of this decision be given to the Parties.

One copy each be given to

1. The Commissioner and Secretary to Government of Nagaland,
Works & Housing Department, Kohima.
2. The Engineer In Chief, PWD, Nagaland and Appellate Authority.
3. The Chief Engineer , PWD (Road & Bridges) Kohima, Nagaland.

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.

