

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

No. NIC/Compln-8/2007

Dated Kohima, the 10th October, 2007

APPELLANT : **Shri Helie Rupreo**
Lower Bayavü, Kohima.

RESPONDENT : Department of School Education (SCERT)
PUBLIC AUTHORITY : Government of Nagaland, Kohima.

Dated of Appearance to show cause : 3.8.2007
Date of Order : 12.9.2007

Present - 1. Appellant Party
2. Shri . Murohu Chotso,
PIO and Deputy Secretary,
Department of Education (SCERT)
Nagaland, Kohima.

Date of Penalty Order : **10.10.2007**

The Commission had in its Decision Notice dated 12.9.2007 sought the following information before further orders could be passed.

1. Compliance report from the PIO Shri Murohu Chotso of furnishing information sought free of cost to appellant within 10 working days as directed vide our decision and order dated 17.7.2007.
2. PIO to intimate to the Commission regarding mechanism set up and office sensitization to deal with RTI applications.
3. Secretary Education Department, Nagaland to intimate reasons for not designating PIO for SCERT) in the Government Registering for long period.

Shri Murohu Chotso vide his statement in writing dated 19.9.2007 informed the Commission that information sought has been furnished to the appellant and received by him on 30.7.2007. He also reported that mechanism has been set up, except for designating of Appellate Authority, which is under process, and office staff sensitized.

Secretary Education Department, Government of Nagaland on 18.9.2007 informed the Commission that non designation of PIO for SCERT in Government level was due to non posting of Deputy Secretary/Under Secretary for SCERT.

The Commission observe that the explanation of Secretary Education is not convincing. RTI Act 2005 does not prescribe that only Deputy Secretary or Under Secretary or for that matter any particular Officer only should be designated as PIO. If Deputy Secretary/Under Secretary were not posted, there were other officers like the Superintendent or the Secretary who could be designated as PIO instead of leaving a vacuum. The Department is directed, Under Section 19 (8) (a) (ii) to take such steps so as to ensure that the number of PIOs as deemed necessary are designated and no vacuum is allowed.

The appellant has submitted to the Commission representation dated 24.9.2007 complaining that the reply given to him by the PIO on 31st July, 2007 is unsatisfactory and incomplete. The Commission has gone through the information given and the presentation. In so far as information sought has been given within the scope of RTI, further action for redressal of grievances, if any, may be taken up with the concerned quarters and authorities if the appellant so desires. However, the Commission observe that the Public Information Officer has not furnished the precise information sought in paras (3) Detail proceedings and minutes and (6) Laid down procedures and Regulations pertaining to DPC and adherence thereto,

of his application dated 13.2.2007. The PIO of the Department is directed to furnish the above information sought and confirm within 10 working days.

There has been a delay of 85 days, from 19.4.2007 to 30.7.2007, i.e the date on which the information sought was actually given. However, in view of submission by PIO that he was designated as PIO on 13.7.2007, and that earlier to that he was only entrusted to deal with SCERT matters but had processed the same, we take a lenient view for the period 19.4.2007 to 12.7.2007. Hence the Commission imposes a penalty for the period 13.7.2007 to 30.7.2007, i.e. 18 days at Rs. 250/- per each day of delay amounting to Rs. 4500.00 under Section 20 of the RTI Act, on Shri Murohu Chotso, PIO. He is directed to pay the amount by depositing it in the Government Treasury through a Treasury Challan latest by 10.11.2007, 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.

Once Copy of the Treasury Challan should be given to the **Consultant (Accounts) of the Commission within 30 days** from the date of issue of this order.

Pronounced in open proceedings today 10.10.2007

Copies be given to

1. The Parties.
2. Smti. Obangla present PIO, Department of School Education (SCERT), Nagaland, Kohima.
3. The Secretary, School Education Department, Nagaland, Kohima.
4. The Principal Secretary to Government of Nagaland, School Education Department, 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.