

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

No. NIC/Compln-9/2007

Dated Kohima, the 7th November, 2007

APPELLANT : **Shri Chubatangit,
Ex. General Secretary, District
Voluntary Consumer Organisation
Mokokchung, Nagaland.**

RESPONDENT : **Department of School Education
PUBLIC AUTHORITY Office of the Director of School
Education (Sarva Shiksha Abhiyan ,
State Mission Authority)
Government of Nagaland, Kohima.**

Date of appearance to Show cause - 31.10.2007

**Present - 1. Shri K.J. Lohe, PIO SSA, SMA.
2. Shri G. Shohe, PIO, Directorate of School Education**

Date of Penalty Order - 7.11.2007

The Commission in its order dated 10.10.2007 had directed the PIO Shri K.J. Lohe to appear in person to show cause on 7.11.2007 as to why he should not pay penalty for the delay in furnishing information sought.

Shri K.J. Lohe PIO appeared in person and submitted in written and orally that as PIO the RTI application from Shri Chubatangit dated 31.5.2007 was the first ever received by him under RTI, on 19.6.2007, and it was not clear what precise information was sought from that letter. However they had furnished the relevant APRs and Bank transaction records to the applicant as the subject quoted in the RTI application was on 50% deduction, which the applicant on receipt stated to be irrelevant. Shri K.J. Lohe stated that clear cut information sought by the applicant emerged only after the date of Commission decision dated 12.9.2007 after which the information sought was furnished on 18.9.2007. He therefore submitted that he may be kindly exempted from paying the penalty fine.

The Commission in its decision dated 12.9.2007 has discussed these issues. During the hearing held on 3.8.2007, the appellant had been asked to clearly pinpoint the precise information he had sought vide his RTI application dated 31.5.2007. He had stated that the information sought was whether there was any direction from the higher authority to deduct 50% from the SSA funds provided to VEC for construction of School buildings under Mokokchung District. The Public Authority represented by Smti. Angau I. Thou, Mission

Director SSA, SMA, on behalf of the PIO had then informed the Commission that the applicant had already been verbally informed that there was no such direction to deduct 50% from SSA funds. The Commission had directed the Respondent Public Authority to furnish the information sought in writing to the Appellant and confirm. There was no confirmation from the PIO, till the Commission hearing on 19.9.2007, when it was stated by the PIO that the appellant had been given the information on 18.9.2007. In view of above, the PIO Shri K.J. Lohe submitted that there was no reasonable excuse for delay after 3.8.2007.

There has been a delay of 62 days from the date of expiry of the prescribed 30 days On 19.7.2007 to 18.9.2007.

As per Section 20 (1) of the RTI Act 2005 a penalty at the rate of Rs. 250/- per each day of delay, subject to a maximum of Rs. 25,000/- is to be imposed on the PIO for failure to furnish the information sought within the prescribed period of 30 days without reasonable cause.

However in view of the submission made by the PIO, and that the applicant clearly pinpointed the precise information sought vide his application during the hearing of the complaint on 3.8.2007 only, the Commission takes a lenient view and waives the penalty for the period from 19.7.2007 to 3.8.2007.

The Commission imposes a penalty for the period 4.8.2007 to 17.9.2007 i.e. 44 days at Rs. 250/- per each day of delay amounting to Rs. 11000.00 (Rupees eleven thousand) under Section 20 (1) of the RTI Act 2005 on Shri K.J. Lohe, PIO. He may pay the penalty amount in two equal installments of Rs. 5500/- each by depositing it in the Government Treasury through Treasury Challan in favour of

Consultant (Account)
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.

The first installment of Rs. 5500/- should be deposited latest by 7.12.2007 and the second installment of Rs. 5500/- should be deposited latest by 7.1.2008.

One copy of the Treasury Challan should be given to Consultant (Accounts) of this Commission as follows

- (a) Latest by 7.12.2007 for deposit of first installment
- (b) Latest by 7.1.2008 for deposit of second installment

The PIOs of the Directorate of Education and Sarva Shiksha Abhiyan, State Mission Authority have both confirmed to the Commission in writing on 6 & 5 November, 2007 respectively that Mechanism have been set up and the officers and staff sensitized to deal with

RTI matters and applications. The Commission appreciate the measures taken by the Department.

The case is disposed off accordingly.

Pronounced in open proceedings today the 7th November, 2007.

Copies be given to

1. The Parties
2. The Director of School Education
3. The Mission Director, SSA, SMA.
4. The Principal Secretary to the Government of Nagaland, Department of School Education, 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.

