

**NAGALAND INFORMATION COMMISSION**

**Below Raj Bhavan, Officers' Hill Colony**

**Post Box No. 148**

**Nagaland, Kohima-797001**

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No. NIC/Complaint-12/2015-16

Dated Kohima, the 9<sup>th</sup> March, 2018.

Complainant : Shri. Chubatangit Jamir,  
Social Activist Nagaland,  
Near Office of the Commissioner of Taxes,  
Dimapur, House No. 252,  
Mobile No. 9436073062, 9615661525

Respondent : The concerned PIO,  
Office of the Chief Engineer,  
PHED,  
Nagaland, Kohima.

Public Authority : Office of the Chief Engineer, PHED, Nagaland, Kohima.

Date of first hearing : 21.04.2016 at 11:00 AM.  
Date of Interim Decision : 25.05.2016.

Date of second hearing : 17.11.2016 at 12:00 PM.  
Date of second Decision : 28.11.2016.

Date of third hearing : 05.09.2017 at 12:00 PM.  
Date of third Decision : 27.09.2017.

Date of fourth hearing : 06.03.2018 at 1:00 PM.  
Date of fourth Decision : 09.03.2018.

**Present:**

1. Er. Yhusinlo Tep, Director, WSSO, Office of the Chief Engineer, PHED, Nagaland, Kohima, Mobile No. 9436000732.
2. Er. Repangyangba Longkumer, Additional Chief Engineer & PIO, Office of the Chief Engineer, PHED, Nagaland, Kohima, Mobile No. 9436006161.
3. Shri. Jonthong Khiam, Technical Assistant, Office of the Chief Engineer, PHED, Nagaland, Kohima, Mobile No. 9436009851.

The applicant (now complainant), Shri. I. Chubatangit Jamir, Social Activist Nagaland, Near Office of the Commissioner of Taxes, Dimapur, House No. 252, Mobile No. 9436073062, 9615661525 did not appear for the hearing.

**FACT OF THE CASE**

The Commission had heard the Complaint dated 02.03.2016 submitted by Shri. I. Chubatangit Jamir, Social Activist, Nagaland, Dimapur, against the non-response of the PIO, PHED, Nagaland, Kohima to his RTI application dated 24.11.2015 within the stipulated time for the **third time** on 05.09.2017 at 12:00 P.M, and after the hearing passed its decision of even No. dated 27.09.2017.

In compliance to **Point No. 1** of the decision of the Commission of even No. dated 27.09.2017 and subsequent directive of even No. dated 04.12.2017, Er. Repangyangba Longkumer, Additional Chief Engineer & PIO, O/o the Chief Engineer, PHED, Nagaland, Kohima had, vide letter No. CE/PHE/M/RTI/2006-07/961-63 dated 01.11.2017 submitted the Date of furnishing of the information by the following Circles and Divisions in response to the letter No. CE/PHE/M/RTI/2006-07 dated **30.11.2015** issued by the Superintending Engineer (M&I) & APIO, O/o The Chief Engineer, PHED, Nagaland, Kohima. Copies of the letters submitted by the respective Circles and Divisions were also found enclosed.

Sl. No.	Circle/Division	Date of furnishing
1	Longleng Division	22.12.2015
2	Dimapur Store Division	03.02.2016
3	Kohima Rural Division	17.12.2015
4	Dimapur Urban Division	31.01.2016
5	Zunheboto Division	27.01.2016
6	Phek Division	27.12.2015
7	Kohima Urban Division	17.12.2015
8	Peren Division	25.01.2016
9	Mokokchung Division	14.12.2015
10	Dimapur Rural Division	17.12.2015

However, since there was no report regarding the Date of furnishing of the information by the PHED Divisions of Mon, Wokha, Tuensang and Kiphire, the Commission had, vide letter of even No. dated 04.12.2017 directed the Additional Chief Engineer & PIO, O/o the Chief Engineer, PHED, Nagaland, Kohima to obtain from the respective Divisions and submit to the Commission within the month of December, 2017.

In compliance to the above directive of the Commission dated 04.12.2017, the Additional Chief Engineer & PIO, O/o the Chief Engineer, PHED, Nagaland, Kohima had, vide letter No. CE/PHE/M/RTI/2006-07/452-53 dated 12.12.2017 submitted the dates of furnishing of the information submitted by the remaining Circles and Divisions and alongwith the copies of their letters as shown below:-

Sl. No.	Circle/Division	Date of furnishing
1	Mon Division	04.01.2016
2	Wokha Division	04.01.2016
3	Tuensang Division	11.12.2015
4	Kiphire Division	03.12.2015

However, the Commission had not received any compliance to **Point No. 2** of its decision of even No. dated 27.09.2017 from the applicant (now complainant) till date.

Since there was delay in furnishing the information to the applicant (now complainant) and in order to ascertain the cause of the delay, the Commission has decided to hear the complaint again, giving opportunity of being heard to all the parties on **6<sup>th</sup> March (Tuesday), 2018 at 1:00 P.M in the Hearing Room of the Nagaland Information Commission** and also notified the parties **to bring the files and relevant documents** in question for scrutiny, on the above date and time for hearing.

#### **OBSERVATIONS AND FINDINGS:**

The applicant (now complainant), Shri. Chubantangit Jamir did not appear for the hearing and there was no intimation to the Commission regarding his absence. The hearing was conducted only in the presence of the respondents.

During the hearing, Er. Repangyangba Longkumer, Additional Chief Engineer & PIO, Office of the Chief Engineer, PHED, Nagaland, Kohima submitted that he had already complied with the decisions and directives of the Commission, however, the applicant (now complainant) had not collected the information till date.

The Commission observed that on receipt of the information from the Circles and Divisions, Er. Repang Longkumer, Superintending Engineer (M&I) & APIO, Office of the Chief Engineer, PHED, Nagaland, Kohima had, vide letter No. CE/PHE/M/RTI/2006-07 dated **03.02.2016** submitted the information to Er. J. Walter Longchar, Additional Chief Engineer & PIO (now retired), Office of the Chief Engineer, PHED, Nagaland, Kohima. The information was furnished by Er. Repang Longkumer, Superintending Engineer (M&I) & APIO, Office of the Chief Engineer, PHED, Nagaland, Kohima to the applicant (now complainant) vide letter No. PHE/M/RTI/2006-07 dated **09.02.2016**, which was received by the applicant (now complainant) only on 03.03.2016.

The Commission observed that there was no delay either by the PIO or by the APIO of the O/o The Chief Engineer, PHED, Nagaland, Kohima in transferring the RTI application dated 24.11.2015 to the Divisions and in furnishing the information to the applicant(now complainant) after having received from the various Circles and Divisions.

Basing on the copies of the letters of the Circles & Divisions submitted to the Commission as documentary evidences, the Commission observed that from the date of transferring of the RTI application dated 24.11.2015 by the Superintending Engineer (M&I) & APIO, O/o The Chief Engineer, PHED, Nagaland, Kohima on **30.11.2015** to the date of furnishing of the information by the various Circles and Divisions to the APIO, O/o The Chief Engineer, PHED, Nagaland, Kohima, the number of days are as shown below:-

Sl. No.	Submission by Divisions	Date of furnishing to PIO of CE Office in response to his letter dated 30.11.2015	No. of days
1	Longleng Division	22-12-2015	22
2	Dimapur Store Division	03-02-2016	65
3	Kohima Rural Division	17-12-2015	17
4	Dimapur Urban Division	31-01-2016	62
5	Zunheboto Division	27-01-2016	58
6	Phek Division	27-12-2015	27
7	Kohima Urban Division	17-12-2015	17
8	Peren Division	25-01-2016	56
9	Mokokchung Division	14-12-2015	14
10	Dimapur Rural Division	17-12-2015	17
11	Mon Division	04-01-2016	35
12	Wokha Division	04-01-2016	35
13	Tuensang Division	11-12-2015	11
14	Kiphire Division	03-12-2015	3

During the last hearing, the Commission had condoned the period from 25.12.2015 to 10.01.2016 i.e for **16 days** in view of the Christmas and New Year holidays. And considering the above **16 days** and the **30 days** time for the PIOs in furnishing the information, the delay in furnishing the information by each of the Circles and Divisions becomes:-

Sl. No.	Submission by Divisions	Date of furnishing to PIO of CE Office in response to his letter dated 30.11.2015	No. of days	No. of days of delays
1	Longleng Division	22-12-2015	22	
2	Dimapur Store Division	03-02-2016	65	19
3	Kohima Rural Division	17-12-2015	17	
4	Dimapur Urban Division	31-01-2016	62	16
5	Zunheboto Division	27-01-2016	58	12
6	Phek Division	27-12-2015	27	
7	Kohima Urban Division	17-12-2015	17	
8	Peren Division	25-01-2016	56	10
9	Mokokchung Division	14-12-2015	14	
10	Dimapur Rural Division	17-12-2015	17	
11	Mon Division	04-01-2016	35	
12	Wokha Division	04-01-2016	35	
13	Tuensang Division	11-12-2015	11	
14	Kiphire Division	03-12-2015	3	
			<b>TOTAL:</b>	<b>57</b>

However, inspite of the condoning of the above **16 days** and the **30 days**, it is observed that there was a total delay of **fifty seven (57) days** contributed by four (4) Divisions namely, Dimapur Central Store Division, Dimapur Urban Division, Zunheboto Division and Peren Division for which penalty is attracted.

The Commission had also observed that compliance to **Point No. 2** of its Decision dated 27.09.2017 has not been received from the applicant (now complainant) till date. Further, inspite of sufficient time and opportunity given to him, the applicant (now complainant) did not appear for the earlier hearings conducted by the Commission and there was no response or further complaint from him, suggesting that the applicant (now complainant) was no longer interested in obtaining the information.

### DECISION

On the above observations and findings, the Commission decided that under Section 20 (1) of the RTI Act 2005, penalty at the rate of Rs. 250/- per day of delay for the total delay of **57 days**, amounting to Rs. 14,250/- (Rupees fourteen thousand two hundred and fifty only) is imposed for the failure to furnish the information sought within the prescribed period of 30 days without reasonable cause. The penalty amount shall be shared among the following four (4) '**deemed PIOs**' for contributing to the delay in furnishing the information to the applicant (now complainant).

Therefore, the following four (4) '**deemed PIOs**' are show cause as to why they should not pay the following penalties at the rate of Rs. 250/- for each day of delay for contributing to the delay in furnishing the information to the applicant (now complainant):-

Sl. No.	Divisions	Date of furnishing to PIO of CE Office in response to his letter dated 30.11.2015	No. of days of delays	Penalty @ Rs. 250/- per day of delay
1	Er. Gwatilo Tep, EE, Dimapur Store Division	03-02-2016	19	Rs. 4750.00
2	Er. P. Khetoi Sema, EE, Dimapur Urban Division	31-01-2016	16	Rs. 4000.00
3	Er. Kitoshe Y. Aye, EE, Zunheboto Division	27-01-2016	12	Rs. 3000.00
4	Er. J. Mayangsashi Amer, EE, Peren Division	25-01-2016	10	Rs. 2500.00
		<b>TOTAL:</b>	<b>57</b>	<b>Rs. 14,250.00</b>

The penalty amount shall be paid within **one (1) month** from the date of receipt of this decision. The penalty amount shall be deposited into the Government account through **treasury challan** in favour of the Consultant (Accounts), Nagaland Information Commission, Kohima under the Head of Account given below, with a copy to this Commission:

0070 - Other Administrative Services

60 - Other Services

118- Receipts under RTI Act, 2005

On receipt of the above compliance, the Commission shall close the Complaint since the applicant (now complainant) is no longer interested to pursue his complaint further.

Decision pronounced in presence of only the respondents on 06.03.2018.

Copy be given to:-

1. Er. Yhusinlo Tep, Director, WSSO, Office of the Chief Engineer, PHED, Nagaland, Kohima, Mobile No. 9436000732.
2. Er. Repangyangba Longkumer, Additional Chief Engineer & PIO, Office of the Chief Engineer, PHED, Nagaland, Kohima, Mobile No. 9436006161.
3. The applicant (now complainant), Shri. I. Chubatangit Jamir, Social Activist Nagaland, Near Office of the Commissioner of Taxes, Dimapur, House No. 252, Mobile No. 9436073062, 9615661525.
4. The Consultant (Accounts), Nagaland Information Commission for information.
5. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
6. Office Copy.

Sd/-

**CHANBEMO LOTHIA**  
Chief Information Commissioner

Sd/-

**G. H. RAMLIA**  
State Information Commissioner

Sd/-

**KEVIZATUO MIACHIEO**  
State Information Commissioner

Authenticated true copy:-

**(WORHONTHUNG EZUNG)**  
Secretary