

NAGALAND INFORMATION COMMISSION

**Old Secretariat Complex,
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No. NIC/Complaint-6/2015-16

Dated Kohima, the 5th December, 2015.

Complainant: Mr. Pamo Lam,
Noklak Town,
Tuensang, Nagaland,
Mobile No. 9436875614, 8132917651,
C/o Pukha Lam,
S.A, Secretariat,
Nagaland, Kohima
Mobile No. 9402631777

Respondent(s) : The concerned PIO,
Directorate of Under Developed Areas (DUDA),
Nagaland, Kohima.

Public Authority : Directorate of Under Developed Areas (DUDA),
Nagaland, Kohima.

Date of hearing : 06.11.2015 at 12:00 PM.

Date of Interim Decision : 07.11.2015.

Date of hearing : 24.11.2015 at 2:00 PM.

Date of Decision : 05.12.2015.

Present:

1. Smti. Nina Kire, Additional Director & PIO, Directorate of Under Developed Areas (DUDA), Nagaland, Kohima, Mobile No. 9436000309.
2. Er. Sao Sangtam, Executive Engineer, DUDA, Nagaland, Kohima, Mobile No. 9862899821.
3. Er. N. Imti Chang, SDO, Technical Branch, DUDA, Nagaland, Kohima, Mobile No. 9436403940.
4. Smti. P. Ellen, APO, Directorate of Under Developed Areas, Nagaland, Kohima, Mobile No. 9612315144.
5. The applicant (now complainant), Mr. Pamo Lam, Noklak Town, Tuensang, Nagaland, Mobile No. 9436875614, 8132917651, C/o Pukha Lam, S.A, Secretariat, Nagaland, Kohima Mobile No. 9402631777.

FACT OF THE CASE.

The Commission had, on 06.11.2015 at 12:00 PM. heard the complaint dated 08.10.2015 received from Mr. Pamo Lam, Noklak Town, Tuensang, Nagaland, Mobile No. 9436875614, 8132917651, C/o Pukha Lam, S.A, Secretariat, Nagaland, Kohima Mobile No. 9402631777, stating that the PIO, DUDA, Nagaland, Kohima had refused to reply to his RTI application dated 17.11.2014 till date by giving excuses inspite of assuring to provide the information to the applicant on many occasions.

And after hearing the parties on 06.11.2015 at 12:00 PM, the Commission had passed decision vide even No. dated **07.11.2015**, wherein the Commission had reserved its decision for the next hearing to be held on **24th November, 2015 (Tuesday) at 2:00 PM.** since the concerned PIO, DUDA, could not appear for the hearing on 06.11.2015 at 12:00 PM.

OBSERVATIONS AND FINDINGS:

Shri. Hichulo Rengma, Deputy Director & APIO, Directorate of Under Developed Areas, Nagaland, Kohima, Mobile No. 8415068522 who represented the PIO during the first hearing on 06.11.2015 had, vide letter dated 20.11.2015 informed the Commission for his inability to attend the hearing on 24.11.2015.

Smti. Nina Kire, Additional Director & PIO, Directorate of Under Developed Areas (DUDA), Nagaland, Kohima submitted that she had, vide letter No. DUDA/RTI-256/08/682 dated **20.11.2014** transferred the RTI application to the Executive Engineer, Directorate of Under Developed Areas (DUDA), Nagaland, Kohima since the matter pertain to capital works and with a request to submit the information within 30 days from the date of receipt of the RTI application i.e on 17.11.2014. A copy of the letter written to the Executive Engineer, DUDA was also produced before the Commission during the hearing.

Er. Sao Sangtam, Executive Engineer, DUDA also submitted that he had received the RTI application. And on receipt of the RTI application transferred by the PIO, he had within a week's time informed **verbally** the three (3) sections namely,

1. Technical Branch which deals with Work Orders;
2. Accounts Branch which deals with accounts matters.
3. Tuensang Sector which undertakes the inspection of works.

Er. Sao Sangtam, Executive Engineer, DUDA also submitted that with the Christmas and New Year holidays, he forgot the RTI application and hence failed to check up from the sections. Further, he submitted that the present applicant, Mr. Pamo Lam had earlier submitted four(4) RTI applications dated 11.06.2012, 08.08.2012, 07.08.2014 and 17.11.2014, and that since information had been furnished to the first three RTI applications, he presumed that reply had also been given to the fourth RTI application dated 17.11.2014 as well, which pertains to the present case.

The Commission observed that **almost a year** had lapsed since the RTI application dated 17.11.2014 was received and endorsed to the E.E on 20.11.2014, however, no information was furnished to the applicant (now complainant) till date. Hence, the Commission found that the above submission and the grounds given by Er. Sao Sangtam, Executive Engineer, DUDA was not convincing or tenable.

During the hearing, Smti. Nina Kire, Additional Director & PIO, Directorate of Under Developed Areas (DUDA), Nagaland, Kohima had produced the required information which has been prepared and ready to be furnished to the applicant (now complainant). The Commission directed that the information be handed over to the applicant (now complainant) **free of cost**, and had allowed the applicant (now complainant) to examine the information. And on examination of the information so received during the hearing, the applicant (now complainant) expressed **satisfaction**.

DECISION:

On the above observations and findings, the Commission decided that:-

1. Under Section 20(1) of the RTI Act, 2005, a penalty of Rs. 25,000/- (Rupees twenty five thousand only) is imposed on Er. Sao Sangtam, Executive Engineer, DUDA for the failure to furnish the information to the applicant (Complainant) within the stipulated time frame. The penalty amount shall be paid in **three (3) instalments** from the date of receipt of this Commission's Decision. The penalty fine shall be deposited into the government account through **treasury challan** in favour of the Consultant (Accounts), Nagaland Information Commission, Nagaland, Kohima under the Head of Account given below, and with a copy to this Commission:-

0070 - Other Administrative Services,
60 - Other Services
118 – Receipts under RTI Act, 2005.

2. Since the applicant (Complainant) had received the information and had expressed satisfaction with the information so received during the hearing and had no further complaints, the Commission **dispose off the case.**

Decision pronounced in presence of both the parties on 24.11.2015.

Copy be given to:-

1. Smti. Nina Kire, Additional Director & PIO, Directorate of Under Developed Areas (DUDA), Nagaland, Kohima, Mobile No. 9436000309.
2. Er. Sao Sangtam, Executive Engineer, DUDA, Nagaland, Kohima, Mobile No. 9862899821.
3. Er. N. Imti Chang, SDO, Technical Branch, DUDA, Nagaland, Kohima, Mobile No. 9436403940.
4. Smti. P. Ellen, APO, Directorate of Under Developed Areas, Nagaland, Kohima, Mobile No. 9612315144.
5. The applicant (now complainant), Mr. Pamo Lam, Noklak Town, Tuensang, Nagaland, Mobile No. 9436875614, 8132917651, C/o Pukha Lam, S.A, Secretariat, Nagaland, Kohima Mobile No. 9402631777.
6. The Consultant (Accounts), Nagaland Information Commission for information.
7. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
8. Office Copy.

Sd/-
BUKCHEM PHOM
State Information Commissioner

Authenticated true copy:-

(WORHONTHUNG EZUNG)
Secretary