

NAGALAND INFORMATION COMMISSION
Old Secretariat Complex,
Post Box No. 148
Nagaland, Kohima - 797001.
Tel: 0370-2291041, Fax: 0370-2291774, Website: www.nlsic.gov.in



No. NIC/Complaint-7/2015-16

Dated Kohima, the 3rd June, 2016.

Complainant : Shri. Ariyi Nienu,
PWD Colony,
Kohima,
Mobile No. 9436063935, 9436204948.

Respondent(s) : The concerned PIO,
Department of Finance,
Government of Nagaland,
Nagaland, Kohima.

Public Authority : Department of Finance,
Government of Nagaland,
Nagaland, Kohima.

Date of hearing : 24.11.2015 at 12:00 PM.

Date of Decision : 30.11.2015.

Date of Second hearing : 04.02.2016 at 12:00 PM.

Date of Second Decision : 05.02.2016.

Date of Third hearing : 19.04.2016 at 1:30 PM.

Date of Third Decision : 03.06.2016.

Present:

1. Shri. V. Kezo, OSD & PIO, Department of Finance, Government of Nagaland, Nagaland, Kohima, Mobile No. 9436830060, 2271151(O).
2. Shri. H. Wenkong, Addl. Secretary, Expenditure-B, Department of Finance, Government of Nagaland, Nagaland, Kohima, Mobile No. 9436609965.
3. Smti. Chubakatila Jamir, Joint Secretary, Expenditure-A, Department of Finance, Government of Nagaland, Nagaland, Kohima, Mobile No. 9402831834.
4. Shri. Lukheto Sema, Under Secretary, Budget Branch, Department of Finance, Government of Nagaland, Nagaland, Kohima, Mobile No. 9436402911.
5. Shri. K. K. Lihoshe, Under Secretary, Expenditure-B, Department of Finance, Government of Nagaland, Nagaland, Kohima, Mobile No. 9436212552.
6. The applicant (now complainant), Shri. Ariyi Nienu, PWD Colony, Kohima, Mobile No. 9436063935, 9436204948.

FACT OF THE CASE.

The Commission had, on 04.02.2016 at 12:00 PM. for the second time heard the complaint dated 28.10.2015, submitted by Shri. Ariyi Nienu, PWD Colony, Kohima, Mobile No. 9436063935, 9436204948 against the non-furnishing of information by the Department of Finance, Government of Nagaland, Nagaland, Kohima to his/her RTI application dated 03.08.2015.

And after hearing the parties on 04.02.2016 at 12:00 PM., the Commission had passed an interim decision vide even No. dated **05.02.2016**.

In compliance to the decision of the Commission dated **05.02.2016**, Shri. V. Kezo, OSD & PIO, Department of Finance, Government of Nagaland, Nagaland, Kohima had, vide letter No. FIN/REV-4/RTI/4/14 dated **18.02.2016** furnished to the applicant (now complainant) the copies of the Drawal Authorities (DA) issued under **Plan** for central schemes and flagship programmes/projects i.e. CSS, DONER, NEC, NLCPR etc. implemented by the following six (6) Departments only during the year 2014-15:-

- i. Social Welfare;
- ii. School Education
- iii. PWD
- iv. Irrigation & Flood Control
- v. Agriculture
- vi. Health & Family Welfare.

And as decided in the last hearing on 04.02.2016 at 12:00 PM., the Commission had, vide notice of even No. dated 30.03.2016 notified to hear the parties particularly, Shri. K. K. Lihoshe, Under Secretary, Expenditure-B **on 19th April, 2016 (Tuesday) at 1:30 PM** in the Hearing Room of the Nagaland Information Commission and also to **bring the files and relevant documents** in question for scrutiny, on the above date and time for hearing.

OBSERVATIONS AND FINDINGS:

The Commission had heard the case on the 19th April 2016 with the PIO, Joint Secretary (Expenditure-A), Joint Secretary (Expenditure - B), Under Secretary (Budget branch) and the applicant(now complainant) in attendance.

During the hearing, the applicant(now complainant) submitted that he had earlier received the information for sixty two (62) departments and also as per the decision of the Commission dated 05.02.2016, the PIO had furnished him the Drawal Authorities (DA) for the six (6) Departments for the year 2014-15.

The applicant had expressed **satisfaction** with the information regarding the Drawal Authorities (DA), however, he was not fully satisfied as he had not received the Sanction Orders.

The PIO explained that the details of each projects/schemes are mentioned in the Sanction Orders and are available with the concerned departments that implements the projects but not with the Finance Department. Hence, the PIO admitted that he should have transferred the RTI application to the concerned departments regarding the Sanction Orders in the first place. However, since the information was regarding DAs, he did not transfer to the concerned departments but instead he had transferred it to the Budget Branch.

As explained above by the PIO that since the Sanction Orders are available with the concerned departments that implements the projects and not with the Finance Department, the Commission advises the applicant to approach the concerned departments for the Sanction Orders and for the details of the projects/ schemes.

Shri. Lihoshe, Under Secretary (Expenditure-B) submitted that on receipt of the RTI endorsed by the PIO on the same day i.e. 05.08.2015, he had submitted the information pertaining to Expenditure-B Branch on **24.08.2015** to the Budget Branch for compilation and for

onward submission to the PIO. However, on 02.12.2015, since he had received from the PIO regarding non-furnishing of the information, he had re-submitted the same information to the PIO on **08.12.2015**. A photocopy of the file noting was produced before the Commission during the hearing. And on receipt of the information from all the 3 (three) branches, the PIO had furnished the consolidated information to the applicant on **08.12.2015**.

The Commission observed that there was no delay on the part of the OSD & PIO since, on receipt of the RTI application on 04.08.2015, he had promptly endorsed it to the 3 (three) branches on **05.08.2015**, viz. Expenditure-A, Expenditure-B and Budget Branch. A photocopy of the file noting was produced before the Commission during the hearing.

Considering the 30 days time limit to furnish the information, from the date of endorsement by the PIO **on 05.08.2015** to the date of furnishing of the information to the PIO by the above three branches, the Commission observed that there was no delay on the part of Shri. Lihoshe, Under Secretary (Expenditure-B) since the information was submitted to the PIO on **24.08.2015** which was within the 30 days time limit. However, there was a delay of 41 (forty one) days on the part of the Expenditure-A Branch as the information was furnished on **15.10.2015**, and also a delay of 73 (seventy three) days on the part of the Budget Branch as the information was furnished on **16.11.2015**. Hence, the total number of days of delay was 41 days +73 days = 114 days (one hundred fourteen) days. However, since the penalty amount @ Rs. 250/- per day of delay for this 114 days exceeded the maximum limit of Rs. 25,000.00, the Commission had reduced an equal number of 7 (seven) days each on the two branches i.e. Expenditure -A and Budget Branches totalling to 100 days @ Rs.250/day i.e. Rs.25,000/-.

DECISION:

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

1. Under Section 20(1) of the RTI Act, 2005,
 - a. Smti. Chubakatila Jamir, Joint Secretary, Expenditure-A, Department of Finance, Government of Nagaland, Nagaland, Kohima is imposed a penalty @ Rs.250/ day for contributing to the delay for $41 - 7 = 34$ days amounting to Rs.8500/- (Rupees eight thousand five hundred only); and
 - b. Shri. Lukheto Sema, Under Secretary, Budget Branch, Department of Finance, Government of Nagaland, Nagaland, Kohima is imposed a penalty @ Rs.250/ day for contributing to the delay for $73 - 7 = 66$ days amounting to Rs.16,500/- (Rupees Sixteen Thousand Five Hundred only).

The above penalty amounts shall be paid within **one (1) month** from the date of receipt of this Commission's Decision. The penalty fines 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, with a copy of the treasury challan to this Commission:-

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

2. The OSD & PIO, Department of Finance, Government of Nagaland, Nagaland, Kohima shall submit copies of the information furnished to the applicant to the Commission.

3. Since the applicant(now complainant) had expressed satisfaction with the information so furnished to him by the PIO, he is directed to submit to the Commission in writing about his satisfaction with the information so received.

4. The Commission also recommends the Public Authority to sensitise all its employees in the various branches on the RTI Act.

Decision pronounced in presence of all parties present on 19.04.2016.

Copy be given to:-

1. Shri. V. Kezo, OSD & PIO, Department of Finance, Government of Nagaland, Nagaland, Kohima, Mobile No. 9436830060, 2271151(O).
2. Shri. H. Wenkong, Addl. Secretary, Expenditure-B, Department of Finance, Government of Nagaland, Nagaland, Kohima, Mobile No. 9436609965.
3. Smti. Chubakatila Jamir, Joint Secretary, Expenditure-A, Department of Finance, Government of Nagaland, Nagaland, Kohima, Mobile No. 9402831834.
4. Shri. Lukheto Sema, Under Secretary, Budget Branch, Department of Finance, Government of Nagaland, Nagaland, Kohima, Mobile No. 9436402911.
5. Shri. K. K. Lihoshe, Under Secretary, Expenditure-B, Department of Finance, Government of Nagaland, Nagaland, Kohima, Mobile No. 9436212552.
6. The applicant (now complainant), Shri. Ariyi Nienu, PWD Colony, Kohima, Mobile No. 9436063935, 9436204948.
7. The Consultant(Accounts), Nagaland Information Commission for information.
8. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
9. Office Copy.

Sd/-
TOSHI AIER, IAS (Retd.)
Chief Information Commissioner

Sd/-
CHANBEMO LOTH
State Information Commissioner

Authenticated true copy:-

(WORHONTHUNG EZUNG)
Secretary