

NAGALAND INFORMATION COMMISSION
Old Secretariat Complex,
Post Box No. 148
Nagaland, Kohima - 797001.
Tel: 0370-2291595, Fax: 0370-2291774, Website: www.nlsic.gov.in



No. NIC/Appeal-16/2013-14

Dated Kohima, the 19th March, 2014.

Appellant : Shri. K. Thong, Member, Vigilance Cell, NPCC, Congress Bhavan, Kohima, Mobile No. 9612169565.

Respondent: 1. Director & FAA, Social Welfare, Nagaland, Kohima.
2. Addl. Director & PIO, Social Welfare, Nagaland, Kohima.

Public Authority: Directorate of Social Welfare, Nagaland, Kohima.

Date of hearing 19.03.2014

Date of decision 19.03.2014

Present:-

1. Shri Khevito T. Shohe, Director & FAA, Social Welfare, Nagaland, Kohima.
2. Shri T. Merang Aier, Addl. Director & PIO, Social Welfare, Nagaland, Kohima.
3. Shri Thsopelo, Registrar, Social Welfare, Nagaland, Kohima.
4. Appellant, Shri. K. Thong, Member, Vigilance Cell, NPCC, Congress Bhavan, Kohima, Mobile No. 9612169565.

Facts of the case

Under Section 19 of the Right to Information Act, 2005, the Nagaland Information Commission received a Second Appeal dated 28.01.2014 from an appellant, Shri. K. Thong, Member, Vigilance Cell, NPCC, Congress Bhavan, Kohima, Mobile No. 9612169565, stating that there was no response from the Director & FAA, Social Welfare, Nagaland to his first appeal dated 21.11.2013 which was submitted against the non-response of the PIO, Directorate of Social Welfare, Nagaland, Kohima to his RTI application dated 18.10.2013.

Earlier the applicant had submitted a RTI application dated **18.10.2013** addressed to the PIO, Directorate of Social Welfare, Nagaland, Kohima along with an application fee of Rs. 10/-, seeking information relating to the implementation of Supplementary Nutrition Programme (SNP) with the following particulars:-

1. Full name of S.B. Tiwari, Contact No. & communication address.
2. Designation/status of S.B. Tiwari and relation with M/s Rausheena Udyog Ltd., Guwahati and Reach Out Society, Duncan Bosti, Dimapur with documentary proof.

3. Full name, Contact No. & communication address of Limaakum (Chairman of Reach Out Society).
4. Documentary proof of Limaakum having drawn SNP payment for Reach Out Society.
5. Full name, Contact No. & communication address of S. K.
6. Designation/status of S.K and relation with Khoyo Tribal Women Welfare Society, Midland, Kohima.
7. Name of Chairman, Members & communication address of Surho Tribal Welfare Society, Kohima.
8. Name of Chairman, Members & communication address of Rural Tribal Welfare Organisation, Dimapur.
9. Photocopy of authorisation/approval for Kudecho Khamo to draw the SNP payment since March, 2010 till date.

The RTI application dated 18.10.2013 was received by the public authority on **19.10.2013** as evidenced on the copy of the RTI application.

On not getting any response from the concerned PIO, Social Welfare, Nagaland, Kohima within the stipulated time frame of the 30 days under the RTI Act, 2005, the applicant had preferred first appeal dated **21.11.2013** to the Director & FAA, Social Welfare, Nagaland, Kohima. The first appeal dated **21.11.2013** was received by the public authority on the same day i.e. 21.11.2013.

On not getting any response from the Director & FAA, Social Welfare, Nagaland, Kohima to his first appeal dated 21.11.2013, the applicant (now the appellants) had preferred second appeal dated 28.01.2014 before this Commission. Since there was no response to the RTI application dt. 18.10.2013 and to the subsequent first appeal dated 21.11.2013, the Commission admitted the appeal and decided to hear the appeal on 04.03.2014 (Tuesday) at 1:00 PM in the Hearing Room of the Nagaland Information Commission, Old Secretariat Complex, Kohima which was deferred to 19.03.2014.

The following were directed to appear before this Commission and also to bring the files and relevant documents in question for scrutiny, on the above date and time for hearing.

1. The Director & FAA, Social Welfare, Nagaland, Kohima.
2. The PIO, Social Welfare, Nagaland, Kohima.
3. The applicant (now appellants), Shri. K. Thong, Member, Vigilance Cell, NPCC, Congress Bhavan, Kohima, Mobile No. 9612169565.

Facts of the case

The applicant viz. Shri K. Thong, Member, Vigilance Cell, NPCC, Congress Bhavan, Kohima submitted an RTI application on **18.10.2013** addressed to the Addl. Director & PIO, Social Welfare seeking information on the 9 items already highlighted in the preceding paragraphs.

The RTI application was received by the Public Authority on **19.10.2013**. However, no action whatsoever was taken by the Addl. Director & PIO, Social Welfare to furnish the information sought..

On **21.11.2013**, since no information was furnished by the PIO, the applicant filed First appeal before the Director & FAA, Social Welfare, Nagaland which was received by the Public Authority on 21.11.2013.

On not getting any response from the Director & FAA, Social Welfare, Nagaland, the appellant filed 2nd appeal before the Nagaland Information Commission on 28.01.2014.

The Commission admitted the 2nd appeal since no action had been taken by the Additional Director & PIO, Social Welfare, Nagaland nor by the Director, Social Welfare, Nagaland & FAA and fixed hearing on 4.3.2014 which was deferred to 19.03.14 on the request of the Public Authority for grounds which the Commission found valid.

Observations

During the hearing on 19.03.2014, the Additional Director & PIO, Social Welfare, Nagaland, Kohima had submitted that he received the RTI application dated 18.10.2013 only on **21.10.2013**, though the RTI application was received in the public authority on 19.10.2013. On 19.11.2013, he wrote to the applicant requesting to consider extension of time to furnish the information. However, the applicant (now the appellant) stated that he had not received any such letter requesting for extension of time. The Additional Director & PIO, Social Welfare, Nagaland, Kohima, however, produced photocopy of entries made in the Peon Book wherein this letter under reference for extension of time had been forwarded to the NPCC Office at Congress Bhavan, Kohima which the appellant had never received. These documents under reference were examined by the Commission and appeared to be authentic though copy of the letter seeking extension of time had never been produced to the Commission.

The Director & FAA, Social Welfare, Nagaland, Kohima had stated that he had furnished the replies to the applicant (now the appellant) on **27.02.2014**, with a copy to the Nagaland Information Commission vide No. SW/RTI-2/2010/1343 dated 27.02.2014. The Commission received this letter only on **28.02.2014**. This is not relevant anymore as it is a document furnished much after the deadline admissible as the RTI Act, 2005 categorically mentioned under Section 7(1) that information should be furnished within 30 (thirty) days of request of information.

The Commission observed that the Additional Director & PIO, Social Welfare, Nagaland, Kohima had failed to furnish the information sought and also the Director & FAA, Social Welfare, Nagaland, Kohima had failed to conduct hearing of the first appeal which accounted for the cumulative delay which was unwarranted.

There was a delay in the furnishing of information to the applicant (now the appellant), and the number of days of delay is calculated as follows:-

Since the PIO received the RTI application dated 18.10.2013 on 21.10.2013, the 30 days time frame to furnish the information to the applicant expired on 21.11.2013. From the date of expiry of the 30 days time frame i.e. **21.11.2013** to the

date of filing the second appeal before the Commission on **28.01.2014** works out to be **67 days**.

And since the Commission issued the Notice for hearing on 31.01.2014, from **01.02.2014** to the date of furnishing the information by the Director & FAA, Social Welfare, Nagaland, Kohima to the applicant (now the appellant) on **27.02.2014**, works out to be **27 days**.

Hence, the total number of days of delay is 67 days + 27 days = **94 days**.

Order

For failure to provide information within the stipulated time specified in Section 7 (1) of the RTI Act, 2005, the Commission finds Additional Director & PIO, Social Welfare, Nagaland, Kohima liable for imposition of penalty under Section 20 (1) of the RTI Act, 2005. As stated, the cumulative period of delay in furnishing information by the Public Authority comes to a total of 94 (ninety four) days. The Commission, therefore, orders that the Additional Director & PIO, Social Welfare, Nagaland, Kohima be imposed a penalty of Rs. 23,500/- (Rupees twenty three thousand five hundred only). Before pronouncing this order, the Addl. Director & PIO, Social Welfare, Nagaland, Kohima was given reasonable opportunity of being heard. This liability for imposition of a penalty was accepted by the Additional Director & PIO, Social Welfare, Nagaland, Kohima. Accordingly, a penalty of Rs. 23,500/- (Rupees twenty three thousand five hundred only) at the rate of Rs.250/- (Rupees two hundred fifty only) per day of delay for 94 days is hereby imposed on the Additional Director & PIO, Social Welfare, Nagaland, Kohima which is payable within **one month** of the date of receipt of the Commission's order.

The penalty amount of Rs. 23,500/- (Rupees twenty three thousand five hundred only) shall be deposited in the Govt. account through Treasury Challan under the Head of Account: Major Head: 0070-Other Administrative Services Sub-Major Head: 60-Other Services, Major Head: 118-Receipts under RTI Act.

The Commission directs that the Additional Director & PIO, Social Welfare, Nagaland, Kohima ensures that in future information sought be furnished promptly and Director & FAA, Social Welfare, Nagaland, Kohima ensures that 1st appeals filed before him are heard and disposed off within 30 (thirty) days or within the 45 (forty five) days for reasons to be recorded in writing as provided in Section 19 (6) of the RTI Act, 2005.

Decision pronounced in presence of all concerned on 19.03.2014.

Copy be given to:-

1. The Director & FAA, Social Welfare, Nagaland, Kohima.
2. The Addl. Director & PIO, Social Welfare, Nagaland, Kohima.
3. The applicant (now appellant), Shri. K. Thong, Member, Vigilance Cell, NPCC, Congress Bhavan, Kohima, Mobile No. 9612169565.
4. The Computer Programmer, NIC for uploading on the NIC's website.
5. Office copy.

Sd/-
(Lalhuma) IAS (Rtd)
Chief Information Commissioner,
Nagaland, Kohima

Sd/-
Kevinino P. Meru
State Information Commissioner,
Nagaland

Sd/-
Bukchem Phom
State Information Commissioner,
Nagaland.

Authenticated by

Secretary
Nagaland Information Commission