

NAGALAND INFORMATION COMMISSION
Old Secretariat Complex,
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Nagaland, Kohima - 797001.
Tel: 0370-2291041, Fax: 0370-2291774, Website: www.nlsic.gov.in



No. NIC/Appeal-3/2016-17

Dated Kohima, the 23rd November, 2016.

Appellant : Shri. Vikheto Zhimomi,
P.R Hill, Kohima,
Mobile No. 9615115300, 9089896123

Respondents : (i) Commissioner & Secretary and First Appellate Authority,
Works & Housing Department,
Nagaland, Kohima.

(ii) The Deputy Secretary & PIO,
Works & Housing Department,
Nagaland, Kohima.

Public Authority : Works & Housing Department,
Government of Nagaland,
Nagaland, Kohima.

Date of first hearing : 14.06.2016 at 11:00 AM.
Date of first Decision : 30.06.2016.

Date of second hearing : 07.09.2016 at 11:00 AM.
Date of second Decision : 22.09.2016.

Date of third hearing : 16.11.2016 at 12:00 PM.
Date of third Decision : 23.11.2016.

Present:

1. Shri. Himato Zhimomi, Commissioner & Secretary and FAA, Works & Housing Department, Nagaland, Kohima, Mobile No. 9436061415.
2. Shri. Nokchasashi, Deputy Secretary & PIO, Works & Housing Department, Government of Nagaland, Nagaland, Kohima, Mobile No. 9436831044.

The following did not appear for the hearing:-

3. The Engineer-in-Chief & FAA, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima.
4. Er. Longzochang, Deputy Chief Engineer & PIO, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima, Mobile No. 9436010045.
5. The applicant (now appellant), Shri. Vikheto Zhimomi, P.R Hill, Kohima, Mobile No. 9615115300, 9089896123.

FACT OF THE CASE

The Commission had heard the second appeal dated 16.05.2016 for the second time on 07.09.2016 at 11:00 AM submitted by Shri. Vikheto Zhimomi, P.R Hill, Kohima, Mobile No. 9615115300, 9089896123, against the unsatisfactory information received from the PIO, Works

& Housing Department, Government of Nagaland, Nagaland, Kohima in response to his First Appeal dated 12.04.2016 which was submitted against the non response to his RTI Application dated 01.03.2016 within the stipulated time period.

And after the second hearing the parties on 07.09.2016 at 11:00 AM, the Commission had passed decision vide even No. dated **22.09.2016**.

In compliance to this Commission's decision of even No. dated 22.09.2016, Shri. Nokchasashi, Deputy Secretary & PIO, Works and Housing Department, Government of Nagaland, Nagaland, Kohima had, vide letter No. WH/EST/64/2013 dated 22.09.2016 furnished the information to the applicant (now appellant). However, the Commission had not received any copy of the information so furnished to the applicant (now appellant).

On receipt of the information, the applicant (now appellant) had, vide letter dated 14.09.2016 submitted **satisfaction** of the information furnished to him.

However, since the Commission had observed that there was a delay in furnishing the information to the applicant (now appellant) and in order to ascertain the officer(s) responsible for the delay, the Commission had, vide Notice of even No. dated 31.10.2016 notified to hear the case again on **16th November, 2016 (Wednesday) at 12:00 P.M** in the **Hearing Room of the Nagaland Information Commission, Old Secretariat Complex, Nagaland, Kohima**. The Commission had also directed the following parties 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.

- i) The Commissioner and Secretary & FAA, Works and Housing Department, Government of Nagaland, Nagaland, Kohima.
- ii) The Engineer-in-Chief & FAA, NPWD, Nagaland, Kohima.
- iii) The concerned PIO, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima.
- iv) The Deputy Secretary & PIO, Works and Housing Department, Government of Nagaland, Nagaland, Kohima.
- v) The applicant (now appellant), Shri. Vikheto Zhimomi.

OBSERVATIONS AND FINDINGS:

Er. Khupi Natso, Engineer-in-Chief & FAA, NPWD, Nagaland, Kohima had, vide letter No. NPWD/E-IN-C/PAB/Misc/2016 dated 15.11.2016 informed the Commission that in view of the exigent official department function, '*Inauguration of PWD(R&B) Pughoboto Division*' on 16.11.2016, he may be exempted from appearing the hearing as it coincided on the same date.

The Commission had viewed seriously the absence of Er. Longzochang, Deputy Chief Engineer & PIO, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima in the hearing without any prior intimation.

Shri. Nokchasashi, Deputy Secretary & PIO, Works & Housing Department, Government of Nagaland, Nagaland, Kohima had, vide letters No. WH/EST/64/2013 dated 22.09.2016 and 04.10.2016 furnished the information to the applicant (now appellant) and though the applicant (now appellant) was **satisfied** with the information furnished to him, since there was a delay in furnishing the information for which penalty was attracted, the Commission had decided to hear the case to determine the penalty.

The Commission had observed that from the date of receipt of the RTI application dated 01.03.2016 on the same date i.e. 01.03.2016 to the date of first furnishing of the information by

the Deputy Secretary & PIO, Works & Housing Department, Nagaland, Kohima on 26.04.2016, there was a total number of days of **fifty six (56) days**. However, considering the 30 days time for the PIO to furnish the information, the delay now becomes **56 - 30 = 26 (twenty six) days** for which penalty was attracted. However, since the RTI application was transferred to the Office of the Engineer-in-Chief, NPWD, Nagaland, the Commission observed that both the above PIOs had contributed to the delay in furnishing the information to the applicants(now appellants).

Since the RTI application dated 01.03.2016 was received on the same date i.e. 01.03.2016, the 30 days time limit lapsed on the **31.03.2016**. On receipt of the RTI application, the PIO, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima had, on **20.04.2016** submitted the information to the Deputy Secretary & PIO, Works & Housing Department, Nagaland, Kohima. Hence, from 01.04.2016 to the date of submission of the information by the PIO, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima to the Deputy Secretary & PIO, Works & Housing Department, Nagaland, Kohima on 20.04.2016, there was a delay of **20 days**.

On receipt of the information from the PIO, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima on 21.04.2016, the Deputy Secretary & PIO, Works & Housing Department, Nagaland, Kohima had furnished the information to the applicants(now appellants) on 26.04.2016. Hence, from 21.04.2016 to 26.04.2016, there was a delay of **6 days** on the part of the Deputy Secretary & PIO, Works & Housing Department, Nagaland, Kohima.

Since the above RTI application was transferred to the Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima vide letter No. WH/EST/64/2010/209 dated **08.03.2016** by the Under Secretary like normal correspondence and not by the Deputy Secretary & PIO, Works & Housing Department, Nagaland, Kohima, the Commission had viewed that the Deputy Secretary had shrugged off his responsibility as the PIO and had not taken the RTI matter seriously.

DECISION:

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

1. Er. Longzochang, Deputy Chief Engineer & PIO, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima shall submit an **explanation** for not appearing in the hearing without any prior intimation to the Commission within **two (2) weeks** from the date of receipt of this Commission's Decision.
2. Under Section 20(1) of the RTI Act, 2005, penalty @ Rs. 250 per day for **26 days** of delay amounting to a total of **Rs. 6,500.00** (Rupees six thousand and five hundred only) is imposed on the following two (2) PIOs for contributing to the delay in furnishing the information which shall be shared among them as shown below:-

Sl. No.	Name of PIO	Designation	Total No. of days delayed	Penalty Amount @ Rs. 250/- per day of delay
1	Shri. Nokchasashi	Deputy Secretary & PIO, Works & Housing Department, Nagaland, Kohima	6	Rs. 1500.00
2	Er. Longzochang	Deputy Chief Engineer & PIO, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima	20	Rs. 5000.00
TOTAL:			26 days	Rs. 6500.00

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:-

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

Copies of the above treasury challans be submitted to this Commission within **two (2) weeks** from the date of receipt of this Commission's Decision.

On receipt of the copies of the treasury challans from the above PIO and Deemed PIOs, the Commission shall declare the case as closed, since the applicants(now appellants) were satisfied with the information furnished to them.

Decision pronounced in presence of all parties present on 16.11.2016.

Copy be given to the parties:-

1. Shri. Himato Zhimomi, Commissioner & Secretary and FAA, Works & Housing Department, Nagaland, Kohima, Mobile No. 9436061415.
2. The Engineer-in-Chief & FAA, NPWD, Nagaland, Kohima.
3. Er. Longzochang, Deputy Chief Engineer & PIO, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima, Mobile No. 9436010045.
4. Shri. Nokchasashi, Deputy Secretary & PIO, Works & Housing Department, Government of Nagaland, Nagaland, Kohima, Mobile No. 9436831044.
5. The applicant (now appellant), Shri. Vikheto Zhimomi, P.R Hill, Kohima, Mobile No. 9615115300, 9089896123.
6. The Consultant (Accounts), Nagaland Information Commission, Nagaland, Kohima for information.
7. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
8. Office Copy.

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

Sd/-
CHANBEMO LOTH
State Information Commissioner

Authenticated true copy:-

(WORHONTHUNG EZUNG)
Secretary