

NAGALAND INFORMATION COMMISSION
OLD SECRETARIAT COMPLEX,
POST BOX NO. 148
NAGALAND
KOHIMA – 797001

No. NIC/compln-4/2007

Dated Kohima, the 4th July, 2007

Appellant : **Shri K. C. Angami,
President, (NGRC-I CU)**

Respondent : **Department of Forests, Ecology
Public Authority** **Environment & Wild Life,
Office of the Principal Chief
Conservator of Forest,
Government of Nagaland**

Date of Appearance to show cause : **15.5.2007**

Present - **1. Appellant Party
2. Shri J.S. Walia
PIO Office of the PCCF
Nagaland, Kohima.**

Date of Order : **4.7.2007.**

The Commission in its earlier Decision Notice dated 2.5.2007, had directed the Public Information Officer, Office of the Principal Chief Conservator of Forest to show cause as to why penalty Under Section 20 (1) of the RTI Act 2005 should not be paid by him for failure to furnish information sought vide RTI Application of 28.8.2006.

Shri J.S. Walia, PIO of the office of the Principal Chief Conservator of Forest appeared to reply to the show cause notice. He submitted orally that the Commission directive to furnish information as sought by the appellants within 10 days have been complied with. He stated that on receipt of the RTI application of 28.8. 2006, the then PIO, his predecessor, had collected some of the information sought by the applicants and made available to them on 27.9.2006. He did not bring this fact to the notice of the Commission during the hearing on 18.4.2007, when he submitted that he was not aware if any information was furnished to the applicants.

The PIO was given one week time to produce evidence of having furnished such information. He has submitted the Office copies of the same to the Commission on 21.5.2007.

The PIO submitted that he had not received any direction from the First Appellate Authority on receipt of the appeal of 9.11.2006, nor at any time thereafter.

The Commission has already made its observation in its Decision Notice dated 2.5.2007 on this case that there has been delay in making the information available and that the PCCF and Appellate Authority Dr. C..L. Goel had in a letter dated 8.12.2006 addressed to the Commissioner & Secretary, Forest, Nagaland furnished some of the information to the Government instead of making the same

available to the appellants or directing the PIO to do so. Even the copy of the letter of 8.12.2006 shown endorsed to the appellants was given to them only on 17.4.2007 after the Commission had issued Notice for hearing fixing date on 18.4.2007.

The Commission has now been given a copy of the PIO's letter dated 1st September, 2006 addressed to Dr. C.L.Goel, PCCF Nagaland requesting him to provide details of supply and construction works allotted from January 2006 upto date on or before 15.9.2006 in order to enable him to communicate the required information to the applicant. There is no record or affirmation that such information was provided to the then PIO to enable him to furnish the information sought within the prescribed time of 30 days, except those that were given to the applicants by the PIO on 27.9.2006.

The Commission find that the PIO had vide his letter dated 1.9.2006 sought the assistance of the PCCF Dr. C.L.Goel, for the proper discharge of his duties, which comes within the provisions of Section 5 (4) & (5) of the RTI Act 2005. An extract of Section 5(4) and (5) of the RTI Act 2005 is given here.

- (4) The Central Public Information Officer or State Public Information Officer, as the case may be, may seek the assistance of any other Officer as he or she considers it necessary for the proper discharge of his or her duties.
- (5) Any officer, whose assistance has been sought under sub-section (4) shall render all assistance to the Central Public Information Officer or State Public Information Officer, as the case may be, seeking his or her assistance and for the purposes of any contravention of the provisions of this Act, such other officer shall be treated as a Central Public Information Officer or State Public Information Officer, as the case may be.

The Commission therefore direct Dr. C.L. Goel, Principal Chief Conservator of Forest, Nagaland to show cause in writing within 10 (ten) days from the date of issue of this order as to why penalty under Section 20 (1) of the RTI Act 2005 should not be apportioned to him for failure to provide information sought for, till the same were fully furnished on direction issued by the Commission in its Decision Notice dated 2.5.2007.

Copy of this order be given to

1. Dr. C.L. Goel, IFS,
Principal Chief Conservator of Forest, Nagaland, Kohima.
2. The Parties
3. The Commissioner & Secretary, Forest, Ecology, Environment & Wild Life,
Nagaland, Kohima.

Sd/-P. TALITEMJEN AO
Chief Information Commissioner,
Nagaland.

Sd/-
REV.DR.W. PONGSING KONYAK
State Information Commissioner,
Nagland

Sd/-
DR.KUHOI K ZHIMOMI
State Information Commissioner,
Nagaland.

Authenticated

(ADINO)
Sr. P.S. to Chief Information Commissioner,
Nagaland

