

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

No. NIC/Compln-27/2009/

Dated Kohima, the 3rd June, 2009

Complainant : **Smti. Zashekhono Tetso,
Coordinator,
HRLN, 2nd floor, New NST Complex
Kohima: 797001.**

**Respondent
Public Authority** : **Department of Food and Civil
Supplies, Government of Nagaland,
Office of the Director, Food and Civil
Supplies, Dimapur, Nagaland.**

Date of Hearing - **25.3.2009**

Date of order on reply to show cause - **3.6.2009**

Present :

- 1. Shri O.T. Chingmak, PIO and Director,
Food and Civil Supplies, Nagaland, Dimapur.**
- 2. Smti. Zashekhono Tetso, Coordinator, HRLN, 2nd Floor
New NST Complex, Kohima.**

The Commission had directed Shri O.T. Chingmak, PIO and Director of Food and Civil Supplies, Nagaland, Dimapur vide its decision No. NIC/Compln-27/2009 dated 25.3.2009, to show cause as to why he should not pay penalty @ Rs. 250/- per each day of delay for delay in furnishing information for 24 days from 1.3.2009 to 24.3.2009 subject to maximum of Rs. 25,000.00.

Shri O.T. Chingmak PIO and Director Food and Civil Supplies submitted the reply to show cause on 2.4.2009. He has in his reply submitted that the information as sought in the RTI Application of 30.1.2009 were collected and on 27.2.2009 (one day before expiry of prescribed 30 days), sought Government approval which was received on 19.3.2009. He has requested that imposition of penalty on the PIO may kindly be waived.

The information sought was furnished on 25.3.2009 after the hearing.

The RTI Act 2005, prescribes a period of 30 days for the PIO to furnish the information sought by the Applicant under section 7. Collection of relevant materials, documents, any approval from any authorities within the jurisdiction of the Respondent Public Authority concerned is to be completed within the prescribed 30 days counting from the date of receipt of the RTI Application.

The Commission finds that the submission of the PIO Shri O.T. Chingmak is not convincing. The RTI application of Smti. Zashekhono Tetso dated 29.1.2009 was received in the Office of the PIO on 30.1.2009, and the prescribed 30 days expired on 28.2.2009, and became overdue by 1.3.2009. The information was furnished on 25.3.2009 only.

Hence the Commission decides to impose penalty under Section 20 of the RTI Act, 2005 on Shri O.T. Chingmak PIO and Director, Food and Civil Supplies Nagaland, Dimapur

for delay in furnishing information sought by RTI Application @ Rs. 250/- per each day of delay subject to maximum of Rs. 25,000/- for 24 days from 1.3.2009 to 24.3.2009 amounting to Rs. 6000/-.

He is directed to pay the amount by depositing it in the Government Treasury through Treasury Challan in favour of

**Consultant (Accounts)
Nagaland Information Commission**

Under

Head of Account '0070' - Other Administrative Services
Minor Head 800 - Other receipts, fines under RTI Act.

Quoting this order number, date, the name of the PIO Department.

He may pay the penalty amount in 2 equal installments of Rs. 3000.00 each.

The first installment should be deposited latest by 3.7.2009, the second installment latest by 3.8.2009.

One copy of the Treasury Challan showing deposit and receipt by the Treasury should be given to the Consultant (Accounts) of the Commission latest by 10.7.2009 and 10.8.2009 respectively.

Pronounced in Open Proceedings today 3.6.2009.

Copies be given to the Parties.

Copy be given to:

1. The Secretary. Food and Civil Supplies, Nagaland, Kohima.
2. The Director, Food and Civil Supplies, Nagaland, Dimapur

Sd/-

P. Talitemjen Ao, IAS (Rtd)
Chief Information Commissioner,
Nagaland

Sd/-

Rev. Dr. W. Pongsing Konyak
State Information Commissioner,
Nagaland

Sd/-

Dr. Kuhoi K. Zhimomi
State Information Commissioner,
Nagaland

Authenticated by me

Under Secretary
Nagaland Information Commission
Kohima