

NAGALAND INFORMATION COMMISSION
Below Raj Bhavan, Officers' Hill Colony
Post Box No. 148

Nagaland, Kohima-797001

Tel: 0370-2242366, Fax: 0370-2242368

Email: cic.nagaland@gmail.com, Website: www.nlsic.nagaland.gov.in

Facebook: Nagaland Information Commission | Twitter: nlsic_nagaland



No.NIC/Appeal-34/2017-18

Dated Kohima, the 26th November, 2018.

Appellant : Shri. Navin Kumar,
C/o P.C. Rai,
Hanuman Nagar,
Milki Ainith, Ara,
Bhojpur,
Bihar, Pin-802301,
Mobile No. 9334166175.

Respondent(s) : (i) Shri. S.R. Saravanan,
Special Secretary & First Appellate Authority,
Home Department, Police 'B' Branch,
Nagaland, Kohima.

(ii) The concerned Public Information Officer (PIO in short),
Home Department, Police 'B' Branch,
Nagaland, Kohima.

(iii) The Deemed PIO, O/o the Deputy Commissioner, Kohima.
iv) The Deemed PIO, O/o the Deputy Commissioner, Dimapur.
v) The Deemed PIO, O/o the Deputy Commissioner, Mokokchung.
vi) The Deemed PIO, O/o the Deputy Commissioner, Zunheboto.
vii) The Deemed PIO, O/o the Deputy Commissioner, Wokha.
viii) The Deemed PIO, O/o the Deputy Commissioner, Peren.
ix) The Deemed PIO, O/o the Deputy Commissioner, Phek.
x) The Deemed PIO, O/o the Deputy Commissioner, Kiphire.
xi) The Deemed PIO, O/o the Deputy Commissioner, Longleng.
xii) The Deemed PIO, O/o the Deputy Commissioner, Tuensang.
xiii) The Deemed PIO, O/o the Deputy Commissioner, Mon.

Public Authority : Home Department, Nagaland, Kohima.

Date of Hearing : 20.11.2018 at 12:00 P.M

Date of Decision : 26.11.2018.

Present:

- i. Shri. S.R. Saravanan, IPS, Special Secretary & FAA, Home Department, Police 'B' Branch, Nagaland, Kohima, Mobile No. 9444801911.
- ii. Smti. Lithrongla Tongpi Rutsa, NCS, ADC & PIO, O/o the Deputy Commissioner, Kohima, Nagaland, Mobile No. 9436070607.
- iii. Shri. K. Mhathung Tsanglao, NCS, ADC & PIO, O/o the Deputy Commissioner, Wokha, Nagaland, Mobile No. 9862326258.
- iv. Shri. Vekhoyi Chakhesang, NCS, ADC & PIO, O/o the Deputy Commissioner, Zunheboto, Nagaland, Mobile No. 9436207758.
- v. Smti. Avelu Ruho, NCS, ADC & PIO, O/o the Deputy Commissioner, Phek, Nagaland, Mobile No. 9436608403.
- vi. Shri. Temsuwati Longkumer, NCS, ADC & PIO, O/o the Deputy Commissioner, Longleng, Nagaland, Mobile No. 9436017051.
- vii. Shri. Shashank P. Singh, IAS, SDO(C) & APIO, O/o the Deputy Commissioner, Mon, Nagaland, Mobile No. 7838327839.
- viii. Shri. Pakon Phom, NCS, SDO(C) & APIO, O/o the Deputy Commissioner, Tuensang, Nagaland, Mobile No. 9612164654.

- ix. Shri. Nambepau Zeliang, ASI, In-charge of Special Branch, Office of the Commissioner of Police, Dimapur, Mobile No. 9402025869.

The following did not appear for the hearing:-

- i. The PIO, Home Department, Police 'B' Branch, Nagaland, Kohima.
- ii. The Deemed PIO, O/o the Deputy Commissioner, Dimapur, Nagaland.
- iii. The Deemed PIO, O/o the Deputy Commissioner, Mokokchung, Nagaland.
- iv. The Deemed PIO, O/o the Deputy Commissioner, Peren, Nagaland.
- v. The Deemed PIO, O/o the Deputy Commissioner, Kiphire, Nagaland.
- vi. The applicant (now appellants), Shri. Navin Kumar, Bhojpur, Bihar.

FACT OF THE CASE

An applicant, Shri Navin Kumar had submitted an RTI application dated 03.02.2017 in Hindi addressed to the PIO, Home Department, Government of Nagaland, Kohima along with the prescribed application fee of Rs.10/- paid through IPO bearing No. 28F535529 seeking the following information:

1. *To provide detailed list of Arms License issued by the State of Nagaland to the individuals with name of the holder, License Number, Type of Arms, permanent and temporary addresses of all the holder from all the Districts along with certified copies from 2013 to January, 2017.*
2. *Among all those licenses issued whose arms license's permits (Area Stretch) are all India basis, district-wise detailed information in certified copies may kindly be provided.*
3. *All such licenses issued whose permit (Area Stretch) is within the District and State? In these two cases, license holder's detailed list may kindly be provided in authenticated copies.*

On receipt of the RTI application dated 03.02.2017, the Secretary & PIO, Home Department, Police 'B' Branch, Nagaland, Kohima had, vide letter No. POL-B/ARMS/RTI/13/15 dated **18.04.2017** wrote to the Commissioner of Police, Dimapur and to all the Deputy Commissioners in Nagaland to furnish the information sought by the applicant to the Home Department, Police 'B' Branch, Nagaland, Kohima within a week for further necessary action.

On receipt of the above mentioned letter with enclosed copy of the RTI application from the Secretary & PIO, Home Department, Police 'B' Branch, Nagaland, Kohima, the following PIOs responded to the RTI application as shown under:-

1. Shri. Hotolu Swu, NCS, Additional Deputy Commissioner & PIO, O/o the Deputy Commissioner, Wokha had furnished to the applicant directly vide letter No.Judl-3/RTI/2017-18/90/92 dated 27.11.2017 but to a different RTI application dated 08.08.2017.
2. Shri. Shanavas C, IAS, Additional Deputy Commissioner, O/o the Deputy Commissioner, Mon had, vide letter No.GA/DEV/RTI-PART FILE/2014-15/1015 dated 31.10.2017 wrote to the applicant but referring to another letter No. POL-B/ARMS/RTI/12/13 dated 22.09.2017 of Home Department, Political 'B' Branch stating that *'furnishing of such information may be considered as violation of privacy under section 8 (1) (j) of the RTI Act'* and hence could not be provided.
3. Shri. Pakon Phom, NCS, Sub-Divisional Officer (C) & PIO, O/o the Deputy Commissioner, Tuensang had, vide letter No.RTI-2005/PIO/TSG./2016-17/593 dated 13.10.2017 informed the applicant to make an advance payment of Rs. 94,730/- being the cost of the paper and printing charge of the information through demand draft in favour of the PIO, O/o the Deputy Commissioner, Tuensang but to a different RTI application dated 09.10.2017.
4. Smti. Bendanglila, NCS, Additional Deputy Commissioner & PIO, O/o the Deputy Commissioner, Mokokchung had furnished the information directly to the applicant vide letter No.JUD-50/2016/50 dated 16.05.2017.

The applicant had submitted a first appeal dated 08.08.2017 (in Hindi and translated by the Commission) addressed to the Secretary and First Appellate Authority, Home Department, Government of Nagaland, Kohima stating that his RTI application was transferred to the Commissioner of Police, Dimapur and to all the Deputy Commissioners vide letter No. POL-

B/ARMS/RTI/13/15 dated 18.04.2017 for providing of information, however, the information was received only from the PIO, Mokokchung district and hence requested to provide the information from the remaining 10 districts.

However, on not getting any response to his first appeal dated 08.08.2017 from the First Appellate Authority, Home Department, Nagaland, Kohima, the applicant (now appellant) had preferred a second appeal dated 11.01.2018 (in Hindi and translated by the Commission) stating that he did not receive satisfactory information from the PIOs of the Deputy Commissioner's Offices (excepting Mokokchung and Wokha) to his RTI application dated 03.02.2017 which was transferred from the Home Department, Police 'B' Branch.

On receipt of the second appeal dated 11.01.2018, since the first appeal was not heard, the Commission had, vide letter of even No. dated 16.03.2018 directed the Home Commissioner & FAA to take up the first appeal by hearing the parties i.e., the applicant (now appellant) and PIO(s) concerned and pass decision within 1 (one) month from the date of receipt of the directive and after the hearing of the first appeal, a copy of the decision on the first appeal be submitted to the Commission.

On receipt of the above directive of the Commission dated 16.03.2018, Shri. Kekhrieselie, Secretary & PIO, Home Department, Police 'B' Branch had, vide letter No. POL-B/ARMS/RTI/12/15 dated 09.04.2018 fixed the Hearing for the first appeal on 13.04.2018 at 1:00 P.M. in the office chamber of the Home Commissioner & FAA addressing to the Commissioner of Police, Dimapur and to the Deputy Commissioners of Kohima, Zunheboto, Phek, Peren, Longleng and Kiphire.

The Public Authority i.e. the Home Department had, vide No.POL-B/ARMS/RTI/12/15 dated 17.04.2018 informed that the hearing could not be held on 13.04.2018 since the applicant had failed to turn up and another date of hearing was fixed on 24.04.2018 at 1:00 P.M.

As rescheduled above, the first appeal was heard by the Special Secretary & FAA, Home Department, Police 'B' Branch, Nagaland, Kohima on 24.04.2018 at 1:00 P.M. and after the hearing he had, vide No.POL-B/ARMS/RTI/12/15 dated 17.05.2018 passed decision stating that the furnishing of detail list of arms license issued by the State of Nagaland may be considered as violation of privacy under section 8 (i) (j) of the RTI Act, 2005 and therefore should not be furnished as the ground for appeal by the applicant (now appellant) could not be entertained. He, therefore had dismissed the first appeal on the ground that the actual content of the application could not be translated and even if some PIOs had furnished the information.

On receipt of the above first appeal decision dated 17.05.2018, the Commission had overruled the decision of the FAA and had, vide letter of even No. dated 11.07.2018 directed Shri. S.R. Saravanan, Special Secretary & FAA, Home Department, Police 'B' Branch, Nagaland, Kohima to furnish the information sought by the applicant (now appellant) since the detailed list of arms license issued by the State Government of Nagaland to individuals does not come under the preview of exemption. Moreover, since some districts had already furnished the information to the applicant (now appellant), the said information can no longer be undisclosed. Further, since such information had been furnished in the past in similar case, the Special Secretary & FAA was directed to furnish the information to the applicant. Meanwhile, the applicant was also directed to submit his satisfaction or non-satisfaction to the PIO and the Commission within 30 days, failing which the information shall be deemed to be satisfied and the case shall be declared as closed.

On receipt of the above directive of the Commission dated 11.07.2018, Smti. Rongsenmongla, Joint Secretary, Home Department, Police 'B' Branch had, vide letter No.POL-B/ARMS/RTI/12/15 dated 03.08.2018 intimated to the Commission that the information has been furnished to the applicant (now appellant) for the districts of Dimapur, Phek, Peren and Kiphire.

Smti. Rongsenmongla, Joint Secretary, Home Department, Police 'B' Branch had, vide letter No.POL-B/ARMS/RTI/12/15 dated 03.08.2018 directed the Deputy Commissioners of Kohima, Zunheboto, Mon & Longleng to furnish the information directly to the applicant (now appellant) within 15 days. Further, she informed that the PIOs of Mokokchung, Wokha,

Dimapur, Tuensang, Phek, Peren and Kiphire had furnished the information to the applicant (now appellant).

Shri. D. Robin, Sub-Divisional Officer (Civil) and APIO, O/o the Deputy Commissioner, Longleng, Nagaland had, vide letter No.DEV/LLG/PT-1/2018-19/330 dated 24.08.2018 furnished the information to the applicant (now appellant) relating to the query Nos. (a), (b) and (c) of letter dated **10.07.2017** regarding details of arms license holder issued under the establishment of Deputy Commissioner, Longleng and with a copy to the Commission.

Smti. Lithrongla Tongpi Rutsa, Additional Deputy Commissioner & PIO, O/o the Deputy Commissioner, Kohima had, vide letter No.DCK/ADC/RTI/2018/1057 dated 01.09.2018 furnished the information to the applicant (now appellant) referring to the Home Department, Police 'B' Branch vide letter No.POL-B/ARMS/RTI/12/15/ dated 03.08.2018 (regarding details of arms license) with a copy to the Commission.

Since the complete information had not been furnished to the applicant (now appellant) and to ascertain the cause of delay in furnishing the information, the Commission has decided to hear the appeal case giving opportunity of being heard to all the parties on **20th November, 2018 (Tuesday) at 12:00 Noon** in the **Hearing Room of the Nagaland Information Commission, below Raj Bhavan, Officers' Hill Colony, Nagaland, Kohima and** directed the following parties **to bring the files and relevant documents** in question for scrutiny, on the above date and time for hearing:-

- i. Shri. S.R. Saravanan, IPS, Special Secretary & FAA, Home Department, Police 'B' Branch, Nagaland, Kohima.
- ii. The PIO, Home Department, Police 'B' Branch, Nagaland, Kohima.
- iii. The Deemed PIO, O/o the Deputy Commissioner, Kohima, Nagaland.
- iv. The Deemed PIO, O/o the Deputy Commissioner, Dimapur, Nagaland.
- v. The Deemed PIO, O/o the Deputy Commissioner, Wokha, Nagaland.
- vi. The Deemed PIO, O/o the Deputy Commissioner, Zunheboto, Nagaland.
- vii. The Deemed PIO, O/o the Deputy Commissioner, Mokokchung, Nagaland.
- viii. The Deemed PIO, O/o the Deputy Commissioner, Peren, Nagaland.
- ix. The Deemed PIO, O/o the Deputy Commissioner, Phek, Nagaland.
- x. The Deemed PIO, O/o the Deputy Commissioner, Kiphire, Nagaland.
- xi. The Deemed PIO, O/o the Deputy Commissioner, Longleng, Nagaland.
- xii. The Deemed PIO, O/o the Deputy Commissioner, Tuensang, Nagaland.
- xiii. The Deemed PIO, O/o the Deputy Commissioner, Mon, Nagaland.
- xiv. The applicant (now appellant), Shri. Navin Kumar, Bhojpur, Bihar.

OBSERVATIONS AND FINDINGS

The applicant (now appellant) did not appear for the hearing and the Commission did not receive any prior intimation or reason regarding his absence in the hearing. The Deemed PIOs of the Deputy Commissioner (DC in short) Offices of Dimapur, Mokokchung, Peren and Kiphire also did not appear for the hearing.

During the hearing, Shri. S.R. Saravanan, IPS, Special Secretary & FAA, Home Department, Police 'B' Branch, Nagaland, Kohima stated that the RTI application dated 03.02.2017 was first received by the General Administration Branch (GAB) of the Home Department on 29.03.2017 and after which it was transferred to the Police 'B' Branch, Home Department which he received it on **04.04.2017**. Upon receipt of the above RTI application, the PIO, Home Department had transferred to all the DC Offices in the districts including the office of the Commissioner of Police, Dimapur on **18.04.2017**. However, on receipt of the First Appeal dated 08.08.2017, since there was no response from most of the districts, a **reminder** letter No. POL-B/ARMS/RTI/12/15 dated **22.09.2017** was sent to furnish the information directly to the applicant under intimation to the Home Department.

The Commission observed the PIO of Home Department should have transferred the RTI application to the districts within five (5) days under Section 6(3) of the RTI Act, 2005, however it was transferred to the districts only after fourteen (14) days.

Shri. K. Mhathung Tsanglao, NCS, Additional Deputy Commissioner (ADC in short) & PIO, Office of the Deputy Commissioner, Wokha stated that the letter No. POL-B/ARMS/RTI/13/15 dated **18.04.2017** wherein the Secretary & PIO, Home Department, Police 'B' Branch, Nagaland, Kohima had transferred the RTI application dated 03.02.2017 was **never received**. He however, stated that only the reminder letter dated 22.09.2017 enclosing the RTI application dated 03.02.2017 and the first appeal dated 08.08.2017 were received from the Home Department on **04.10.2017**. And on receipt of the above reminder letter, the reply was furnished by the then ADC & PIO, Shri. Hotulu Swu to the applicant (now appellant) vide letter No. Judl-3/RTI/2017-18/90192 dated **27.11.2017** stating that only two (2) arms licences were issued to persons belonging to the State of Bihar from 2000 to 2017. He informed that he was transferred and posted at Wokha only in **June, 2018**.

Shri. Pakon Phom, NCS, SDO(Civil) & APIO, Office of the Deputy Commissioner, Tuensang also stated that the letter of the Secretary & PIO, Home Department, Police 'B' Branch, Nagaland, Kohima dated **18.04.2017** wherein the RTI application dated 03.02.2017 was transferred was **never received**, and only the reminder letter dated 22.09.2017 was received on **09.10.2017**. On receipt of the above reminder letter, since the ADC & PIO was on leave, he had written to the applicant, vide letter No. RTI-2005/PIO/TSG./2016-17/593 dated **13.10.2017** to make an advance payment of Rs. 94,730.00 towards the cost of paper and printing charges. On being asked by the Commission as to how such huge amount was arrived at, he replied that the Dealing Assistant had calculated the cost and put up the matter to him since 10 reams of papers and photocopying of 18,946 pages were required. However, the Commission informed that information had to be given free of cost after 30 days.

Shri. Shashank P. Singh, IAS, SDO(C) & APIO, Office of the Deputy Commissioner, Mon stated that the RTI application dated 03.02.2017 was received on 18.04.2017 and the first reply given on **09.05.2017**. In the reply dated 31.10.2017, the information was denied citing Section 8(1)(j) of the RTI Act, 2005. However, on the directive of the Commission, since other districts had started furnishing, the information regarding details of arms licence had been furnished to the applicant vide, letter No. POL-B/ARMS/RTI/12/15/691 dated 30.08.2018. Copies of the information was also produced before the Commission.

Shri. Vekhoyi Chakhesang, NCS, ADC & PIO, Office of the Deputy Commissioner, Zunheboto also stated that the letter of the Secretary & PIO, Home Department, Police 'B' Branch, Nagaland, Kohima dated **18.04.2017** wherein the RTI application dated 03.02.2017 was transferred was **never received**, and only the reminder letter dated 22.09.2017 was received on **04.10.2017**. He further stated that he was on leave when the above reminder letter was received. He submitted that since he was on leave and that the RTI application was in Hindi, the SDO & APIO had endorsed it to the Dealing Assistant to translate and put up, however it was forgotten. However, he had, vide letter No. DCZ/RTI-1/(PT)2014-15/963 dated 19.11.2018 submitted a copy of the information to the Commission during the hearing and further admitted that the information had not been furnished to the applicant yet.

Smti. Avelu Ruho, NCS, ADC & PIO, Office of the Deputy Commissioner, Phek stated that the letter of the Secretary & PIO, Home Department, Police 'B' Branch, Nagaland, Kohima dated **18.04.2017** wherein the RTI application dated 03.02.2017 was transferred was **received** on 25.04.2017 and information furnished vide letter No. DCP/GA/RTI/2005(Vol-IV)/50 dated **04.05.2017** which was sent by registered post on 05.05.2017. Copies of the information was also produced before the Commission.

Shri. Temsuwati Longkumer, NCS, ADC & PIO, Office of the Deputy Commissioner, Longleng also stated that the letter of the Secretary & PIO, Home Department, Police 'B' Branch, Nagaland, Kohima dated **18.04.2017** wherein the RTI application dated 03.02.2017 was transferred and the reminder letter dated 22.09.2017 were **never received**. He had, however, on receipt of the directive vide letter No. POL-B/ARMS/RTI/12/15 dated **03.08.2018** from the Home Department on 16.08.2018, the information was furnished to the applicant vide letter No. DEV/LLG/PT-1/2018-19/330 dated 24.08.2018, with copies of the information to the Commission. Further, the PIO clarified that in the above letter dated 24.08.2018 wherein the information was furnished to the applicant, the reference letter No. Nil dated 10.07.2017 was mistakenly mentioned which referred to a different RTI application filed by another applicant.

Smti. Lithrongla Tongpi Rutsa, NCS, ADC & PIO, Office of the Deputy Commissioner, Kohima stated that the letter of the Secretary & PIO, Home Department, Police 'B' Branch, Nagaland, Kohima dated 18.04.2017 wherein the RTI application dated 03.02.2017 was transferred was received on 21.04.2017. However, since the RTI application was in Hindi, she had, vide letter No. DCK/ADC/RTI/2016/2168 dated 26.04.2017 requested the Secretary & PIO, Home Department for a translated copy of the RTI application. She stated that in the meantime she was transferred out and another officer was posted during when the reminder letter dated 22.09.2017 was received, however, no action was taken. She got posted back to Kohima again in June, 2018 and on receipt of the directive vide letter No. POL-B/ARMS/RTI/12/15 dated 03.08.2018 from the Home Department on 06.08.2018, the information was furnished to the applicant vide, letter No.DCK/ADC/RTI/2018/1057dated 01.09.2018, with copies of the information to the Commission.

On receipt of the Notice for hearing, the Deputy Commissioner, Dimapur had, vide letter No. RTI-4/2016-D/7312-16 dated 13.11.2018 informed the Commission via e-mail that the Office of the DC, Dimapur had handed over all records and registers relating to arms licence to the Office of the Commissioner of Police, Dimapur vide letter No. DCD/Arms-3/2006/1323-20 dated 05.05.2016. The Commission had also, vide letter No. CP/DMR/ESSTT-20/2018-19/3862 dated 19.11.2018 received from the Office of the Commissioner of Police, Dimapur stating that Shri. Nambepau Zeliang, ASI, In-charge of Special Branch, Dimapur had been detailed to attend the hearing. The ASI, Dimapur stated that the letter of the Secretary & PIO, Home Department, Police 'B' Branch, Nagaland, Kohima dated 18.04.2017 wherein the RTI application dated 03.02.2017 was transferred was received on 18.04.2017 and the information regarding the total number of Arms licences issued from 2013 to 2017 was submitted to the Home Department vide letter No. CP/DMR/SB-09/ARMSCELL-08/2016-17/486 dated 02.05.2017. Further, on receipt of the Notice for hearing, the Office of the Commissioner of Police, Dimapur had, vide letter No. CP/DMR/SB-09/ARMSCELL-08/2016-18/535 dated 19.11.2018 submitted copies of the information to the Commission.

Section 7(1) of the RTI Act, 2005 stipulates that on receipt of a request, the PIO shall furnish the information as expeditiously as possible, and in any case within thirty(30) days of the receipt of the request. Further, under Section 5 (4) and & (5) of the RTI Act, 2005, the PIO can seek assistance of any other officer he/she considers necessary and when an officer whose assistance has been sought shall be considered as '*deemed PIO*' for that particular case. Hence, the Commission observed that since the PIO of the Home Department had transferred the RTI application dated 03.02.2017 to the DC Offices in all the districts and the Commissioner of Police, Dimapur on 18.04.2017 and followed by a reminder dated 22.09.2017, the PIOs of the DC Offices in the districts and the Commissioner of Police, Dimapur have become '**Deemed PIOs**'. Further, the Commission had also referred to the DOPT's O.M No.1/14/2008-IR dated 28th July, 2008 which explained that:

"..... The import of sub-section (5) of section 5 is that, if the officer whose assistance is sought by the PIO, does not render necessary help to him, the Information Commission may impose penalty on such officer or recommend disciplinary action against him the same way as the Commission may impose penalty on or recommend disciplinary action against the PIO."

Basing on the documents produced and the above submissions of the PIOs during the hearing, the Commission had, considering the 30 days time limit given to the PIO and the Deemed PIOs to furnish the information, calculated the days of delays for all the districts as shown below:-

District	Date of receipt of PIO's letter dated 18.4.2017	Date of reply	No. of days taken to reply	No. of days of delay after the 30 days time limit
Commissioner of Police, Dimapur	18.04.2017	02.05.2017	14	Within 30 days. No delay
DC Office, Mon	18.04.2017	09.05.2017	21	Within 30 days. No delay
DC Office, Phek	25.04.2017	04.05.2017	9	Within 30 days. No delay
DC Office, Kohima	21.04.2017	01.09.2018	498	498 – 30 = 468 days Maximum delay

The PIOs of the DC Offices of Wokha, Tuensang and Zunheboto districts submitted that the PIO's letter dated 18.04.2017 was **never received** and only the reminder letter of the PIO dated 22.09.2017 was received. And on receipt of the PIO's reminder letter dated 22.09.2017, the replies were given as per the dates shown below:-.

District	Date of receipt of PIO's Reminder dated 22.09.2017	Date of reply	No. of days taken to reply	No. of days of delay after the 30 days time limit
DC Office, Wokha	04.10.2017	27.11.2017	54	54 – 30= 24 days
DC Office, Tuensang	09.10.2017	13.10.2017	4	Within 30 days. No delay
DC Office, Zunheboto	04.10.2017	Yet to furnish	Maximum	Maximum delay

The ADC & PIO, Longleng stated that the PIO's letter dated 18.04.2017 and the reminder letter dated 22.09.2017 were **never received**. He had, however, on receipt of the directive letter dated **03.08.2018** from the Home Department on 16.08.2018, furnished the information to the applicant (now appellant) on 24.08.2018.

District	Date of receipt of Directive letter dated 03.08.2018	Date of reply	No. of days taken to reply	No. of days of delay after the 30 days time limit
DC Office, Longleng	16.08.2018	24.08.2018	8	Within 30 days. No delay

From the above tables, the Commission observed that there was delay on the part of Kohima, Wokha and Zunheboto and for which penalty was attracted under Section 20 of the RTI Act, 2005. Further, since the PIOs of the DC Offices of Mokokchung, Peren and Kiphire did not appear for the hearing, the dates of receipt of either the PIO's letter dated 18.04.2017 or the PIO's reminder letter dated 22.09.2017 could not be ascertained. Since the DC Office, Dimapur had handed over all records and the registers to the Commissioner of Police, Dimapur, the Commission felt it was not necessary to hear the PIO of DC Office, Dimapur.

The Special Secretary & FAA, Home Department, Nagaland, Kohima had in his first appeal decision and the ADC & PIO, DC Office, Mon in his reply dated 31.10.2017, denied the information citing Section 8(1)(j) of the RTI Act, 2005 which states:

“information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information”

However, the Commission had relied on the following decisions of the:

- 1) Central Information Commission vide No. CIC /WB/A/2008/00993/SG/2219 in Appeal No. CIC/WB/A/2008/00993 and in decision No. CIC /WB/A/2008/00113/SG/0712 adjunct Appeal No. CIC/WB/A/2008/00113/SG:-

“Various Public authorities in performing their functions routinely ask for 'personal' information from Citizens, and this (arms licence) is clearly a public activity. When a person applies for a job, or gives information about himself to a Public authority as an employee, or asks for a permission, licence or authorisation, all these are public activities. Applying for an arms licence certainly falls in this category. As a matter of fact Section 4 (1) (b) (xiii) requires a suo moto publishing of 'particulars of recipients of concessions, permits or authorisations granted by it.

Therefore we can accept that disclosure of information which is routinely collected by the Public authority and routinely provided by individuals, would not be an invasion on the privacy of an individual and there will only be a few exceptions to this rule which might relate to information which is obtained by a Public authority while using extraordinary powers such as in the case of a raid or phone-tapping. The applicant for a

licence or permit or authorization gives information of his own volition since he does not regard giving of this information as an intrusion on his privacy. In view of the foregoing the Commission rules that providing the names of persons who applied for arms licences cannot be construed as an invasion on privacy. The appeal is allowed. The list of people who applied for arms licences from 1st January 2000 to 31st December 2007 will be provided to the appellant before 10th April 2009. If however the respondent is able to supply the information as sought by the appellant, viz. 'names of persons whose subsequent applications were accepted after being rejected initially', the PIO may provide it. This decision is announced in open chamber. Notice of this decision be given free of cost to the parties."

- 2) Central Information Commission vide No. CIC/AD/A/2012/003472SA in J. K. Sharma vs. Home Department, GNCTD:

"During the hearing, the Respondent Public Authority claimed Section 8(1)(j) exemption to refuse the information about (arms) licenses issued. But names of the applicants to whom (arms) licenses were granted is neither private or personal information. The Respondent Officer undertook to give names of the applicants to the appellant within 45 days. The appeal is disposed with the above direction."

The Commission also informed that such information regarding arms licences had also been furnished to applicants in the past in similar cases. Moreover, in the present case, since some of the districts had already furnished the information to the applicant(now appellant), the said information can no longer be undisclosed. Therefore, based on the above reasoning, the Commission ruled that providing the names of persons who applied for arms licence cannot be construed as an invasion of privacy and hence such information sought be provided.

DECISION

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

1. though the ADC & PIO, DC Office, Zunheboto was ready with the information, since the information had not been furnished, he shall furnish the information to the applicant (now appellant) with a copy to this Commission, **within fifteen (15) days** from the date of receipt of this decision.
2. since the information had not been furnished, the ADC & PIO, DC Office, Tuensang shall furnish the information **free of cost** to the applicant(now appellant) and with a copy to this Commission, **within fifteen (15) days** from the date of receipt of this decision.
3. Since the PIOs of the DC Offices of Kiphire, Mokokchung and Peren did not appear before the Commission for the hearing without any reason or prior intimation, the PIOs of the above DC Offices of Kiphire, Mokokchung and Peren shall submit an **explanation** to the Commission regarding their failure to attend the hearing, **within one (1) month** from the date of receipt of this decision.
4. the SDO(Civil) & APIO, Mon stated that on receipt of the RTI application dated 03.02.2017 on 18.04.2017, the first reply was given on **09.05.2017**, however since the Commission have not received a copy of the letter dated 09.05.2017, he shall submit a copy of the above letter dated 09.05.2017 to the Commission, **within fifteen (15) days** from the date of receipt of this decision.
5. After the complete information has been furnish by all the PIOs in the districts to the applicant(now appellant), Shri. S.R. Saravanan, Special Secretary & FAA, Home Department, Police 'B' Branch, Nagaland, Kohima shall confirm satisfaction or non-satisfaction from the applicant (now appellant) giving a certain time limit for the confirmation, failing which the information shall deemed to be satisfied and no further complaints or request shall be entertained.
6. Since the *Nagaland State Right to Information (Regulation of Fee and Cost) Rules, 2005* has not prescribed any fee for filing either first appeal or second appeal, the IPO bearing No. 28F 535911 for Rs. 10.00 which was found enclosed

in the second appeal dated 11.01.2018 is hereby returned to the applicant(now appellants).

On receipt of the above compliances, the Commission shall hear the appeal again in the presence of the PIOs of Kiphire, Mokokchung and Peren who did not appear for the hearing alongwith the then PIOs of Kohima, Wokha and Zunheboto who had contributed to the delay in furnishing the information, in the next hearing which shall be notified later.

Decision pronounced in the presence of only the respondents on 20.11.2018 at 12:00 PM.

Copy be given to:-

1. Shri. S.R. Saravanan, IPS, Special Secretary & FAA, Home Department, Police 'B' Branch, Nagaland, Kohima, Mobile No. 9444801911.
2. Smti. Lithrongla Tongpi Rutsa, NCS, ADC &PIO, O/o the Deputy Commissioner, Kohima, Nagaland, Mobile No. 9436070607.
3. Shri. K. Mhathung Tsanglao, NCS, ADC &PIO, O/o the Deputy Commissioner, Wokha, Nagaland, Mobile No. 9862326258.
4. Shri. Vekhoyi Chakhesang, NCS, ADC & PIO, O/o the Deputy Commissioner, Zunheboto, Nagaland, Mobile No. 9436207758.
5. Smti. Avelu Ruho, NCS, ADC &PIO, O/o the Deputy Commissioner, Phek, Nagaland, Mobile No. 9436608403.
6. Shri. Temsuwati Longkumer, NCS, ADC &PIO, O/o the Deputy Commissioner, Longleng, Nagaland, Mobile No. 9436017051.
7. Shri. Shashank P. Singh, IAS, SDO(C) & APIO, O/o the Deputy Commissioner, Mon, Nagaland, Mobile No. 7838327839.
8. Shri. Pakon Phom, NCS, SDO(C) & APIO, O/o the Deputy Commissioner, Tuensang, Nagaland, Mobile No. 9612164654.
9. Shri. Nambepau Zeliang, ASI, In-charge of Special Branch, Office of the Commissioner of Police, Dimapur, Mobile No. 9402025869.
10. The PIO, Home Department, Police 'B' Branch, Nagaland, Kohima.
11. The Deemed PIO, O/o the Deputy Commissioner, Dimapur, Nagaland.
12. The Deemed PIO, O/o the Deputy Commissioner, Mokokchung, Nagaland.
13. The Deemed PIO, O/o the Deputy Commissioner, Peren, Nagaland.
14. The Deemed PIO, O/o the Deputy Commissioner, Kiphire, Nagaland.
15. The applicant (now appellants), Shri. Navin Kumar, C/o P.C. Rai, Hanuman Nagar, Milki, Ainit, Ara, Bhojpur, Bihar, Pin-802301, Mobile No. 9334166175, **alongwith the IPO No. 28F 535911 for Rs. 10/- in original enclosed.**
16. The Consultant(Accounts), Nagaland Information Commission, Nagaland, Kohima.
17. The Computer Programmer, Nagaland Information Commission for uploading on the Commission's website and Notice Board.
18. Office Copy.

Sd/-

CHANBEMO LOTHIA
Chief Information Commissioner

Sd/-

G. H. RAMLIA
State Information Commissioner

Sd/-

KEVIZATUO MIACHIEO
State Information Commissioner

Authenticated true copy:-

(WORHONTHUNG EZUNG)
Secretary