

NAGALAND INFORMATION COMMISSION

Below Raj Bhavan, Officers' Hill Colony

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No.NIC/Appeal-34/2017-18.

Dated Kohima, the 3rd November, 2018.

Sub: **Notice for Hearing on 20th November, 2018 (Tuesday) at 12:00 Noon.**

WHEREAS, under Section 19 of the RTI Act, 2005, the Commission had received a second appeal dated 11.01.2018 (in Hindi and translated by the Commission) from Shri. Navin Kumar, C/o P.C. Rai, Hanuman Nagar, Milki Ainith, Ara, Bhojpur, Bihar, Pin-802301, Mobile No. 9334166175 against the non-response by the First Appellate Authority, Home Department, Nagaland, Kohima to his first appeal dated 08.08.2017 which was preferred against the non-furnishing of satisfactory information furnished by 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.

AND WHEREAS, the applicant, Shri Navin Kumar had earlier 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 ` 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.*

AND WHEREAS, 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.

AND WHEREAS, 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, 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 (I) (j) of the RTI Act*' and hence could not be provided.
3. Shri. Pakon Phom, 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 ` 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, 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.

AND WHEREAS, 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.

AND WHEREAS, on not getting any response to his first appeal dated 08.08.2017, the applicant (now appellant) had preferred a second appeal dated 11.01.2018 before the Commission.

AND WHEREAS, on receipt of the second appeal dated 11.01.2008, 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.

AND WHEREAS, 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.

AND WHEREAS, the Public Authority 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.

AND WHEREAS, 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.

AND WHEREAS, on receipt of the above first appeal decision dated 17.05.2018, the Commission had over-ruled 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.

AND WHEREAS, 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.

AND WHEREAS, 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).

AND WHEREAS, 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.

AND WHEREAS, 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.

AND WHEREAS, 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 Nagaland Information Commission, below Raj Bhavan, Officers' Hill Colony, Nagaland, Kohima.**

NOW THEREFORE, it is notified that the following parties are 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:-

- i. Shri. S.R. Saravanan, 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.

Sd/-

CHANBEMO LOTHIA

Chief Information Commissioner

Dated Kohima, the 3rd November, 2018.

No.NIC/Appeal-34/2017-18.

Copy to:

1. The PPS to the Chief Information Commissioner, Nagaland Information Commission for kind information of the CIC.
2. The PA to the State Information Commissioner (K), Nagaland Information Commission for kind information of the SIC (K).
3. The PA to the State Information Commissioner (R), Nagaland Information Commission for kind information of the SIC (R).
4. Shri. S.R. Saravanan, Special Secretary & FAA, Home Department, Police 'B' Branch, Nagaland, Kohima.
5. The PIO, Home Department, Police 'B' Branch, Nagaland, Kohima.
6. The Deemed PIO, O/o the Deputy Commissioner, Kohima, Nagaland.
7. The Deemed PIO, O/o the Deputy Commissioner, Dimapur, Nagaland.
8. The Deemed PIO, O/o the Deputy Commissioner, Wokha, Nagaland.
9. The Deemed PIO, O/o the Deputy Commissioner, Zunheboto, Nagaland.
10. The Deemed PIO, O/o the Deputy Commissioner, Mokokchung, Nagaland.
11. The Deemed PIO, O/o the Deputy Commissioner, Peren, Nagaland.
12. The Deemed PIO, O/o the Deputy Commissioner, Phek, Nagaland.
13. The Deemed PIO, O/o the Deputy Commissioner, Kiphire, Nagaland.
14. The Deemed PIO, O/o the Deputy Commissioner, Longleng, Nagaland.
15. The Deemed PIO, O/o the Deputy Commissioner, Tuensang, Nagaland.
16. The Deemed PIO, O/o the Deputy Commissioner, Mon, Nagaland.
17. The applicant (now appellant), Shri. Navin Kumar, C/o P.C. Rai, Hanuman Nagar, Milki, Ainith, Ara, Bhojpur, Bihar, Pin-802301, Mobile No.9334166175.
18. The Computer Programmer, Nagaland Information Commission for uploading on the Commission's website and Notice Board.
19. Office Copy.

(WORHONTHUNG EZUNG)
Secretary