

**NAGALAND INFORMATION COMMISSION**  
**Officers' Hill, below Raj Bhavan,**  
**Post Box No. 148**  
**Nagaland, Kohima - 797001.**  
**Tel: 0370-2242398, Fax: 0370-2242368**  
**Email: cic.nagaland@gmail.com, Website: www.nlsic.nagaland.gov.in**



No. NIC/Appeal-14/2016-17

Dated Kohima, the 31<sup>st</sup> January, 2018.

Appellant : Shri. Gamsa,  
Kendung Village,  
Peren,  
Nagaland,  
Mobile No. 9485223976.

Respondents : 1) The Director & FAA,  
Rural Development,  
Nagaland, Kohima

2) The Project Director & PIO,  
DRDA, Peren.

Public Authority : Office of the Project Director,  
DRDA, Peren.

Date of first hearing : 23.11.2016 at 1:30 PM.  
Date of first Decision : 29.11.2016.

Date of second hearing : 23.01.2018 at 12:00 PM.  
Date of second Decision : 31.01.2018.

Present:

1. Shri. Imlimeren, Director & FAA, Rural Development, Nagaland, Kohima, Mobile No. 9436005660.
2. Smti. Imtinenla, Deputy Secretary (former Project Director & PIO, DRDA, Peren), Mobile No. 9436008665.
3. Shri. Neibou Sekhose, Joint Director, Rural Development, Nagaland, Kohima, Mobile No. 9436000365.

The applicant (now appellant), Shri. Gamsa, Kendung Village, Peren, Nagaland, Mobile No. 9485223976 did not appear for the hearing.

**FACT OF THE CASE**

The Commission had, after hearing the appeal dated 23.09.2016 on 23.11.2016 at 1:30 P.M passed decision of even No. dated 29.11.2016. And in compliance to the decision of the Commission dated 29.11.2016, the Director & FAA, Rural Development, Nagaland, Kohima had, vide No. DRD/ME/RTI/AA-7/2016-17 dated 08.12.2016 issued notice for hearing of the first appeal on 19.12.2016 at 12:00 Noon.

After hearing the first appeal on 19.12.2016 at 12:00 Noon, the Director & FAA, Rural Development, Nagaland had, passed decision vide No. DRD/ME/RTI/AA-7/2015-16 dated 19.12.2016 stating that since the applicant (now appellant), Shri. Gamsa did not turn up for the hearing, no decision could be passed and hence sought advice of the Commission for further action.

On receipt of the letter dated 19.12.2016 from the Director & FAA, Rural Development, Nagaland, the Commission had, vide letter of even No. dated 18.01.2017 directed the Director & FAA, Rural Development, Nagaland to hear the first appeal again in the presence of the applicant (now appellant) and submit a copy of the decision to the Commission.

Again, in compliance to the directive of the Commission dated 18.01.2017, the Director & FAA, Rural Development, Nagaland had, vide No.DRD/ME/RTI/AA-7/2016-17 dated January, 2017 issued Notice for Hearing fixed on 07.02.2017 at 12:20 P.M. However, due to the State wide bandh during the month of February, 2017, the hearing could not be conducted and the Director & FAA, Rural Development, Nagaland had, vide letter No. DRD/ME/RTI/AA-7/2016-17 dated 06.03.2017 rescheduled the hearing on 17.03.2017 at 12:00 P.M.

However, due to unavoidable circumstances, the hearing was again rescheduled on 20.03.2017 at 12:00 P.M. After hearing of the first appeal on 20.03.2017, the Director & FAA, Rural Development, Nagaland had, vide No. DRD/ME/RTI/AA-7/2016-17 dated 20.03.2017 passed decision stating that since the applicant (now appellant), Shri. Gamsa did not turn up for the hearing again, no decision could be passed and hence the appeal case was forwarded to the Commission for further necessary action.

On receipt of the letter dated 20.03.2017 from the Director & FAA, Rural Development, Nagaland, the Commission had, vide even No. dated 10.10.2017 issued directive to the Director & FAA, Rural Development, Nagaland to fix a date for hearing the first appeal and publish the hearing Notice in the local dailies/Newspapers summoning the applicant (now appellant) to appear for the hearing. However, since no compliance was received from the Director & FAA, Rural Development, Nagaland, the Commission had decided to hear the appeal case, giving opportunity of being heard to all parties **on 23<sup>rd</sup> January, 2018 (Tuesday) at 12:00 P.M** in the **Hearing Room of Nagaland Information Commission, Below Raj Bhavan, Officers' Hill Colony, Nagaland, Kohima.**

#### **OBSERVATIONS AND FINDINGS:**

The applicant (now appellant) did not appear for the hearing and there was no information regarding his absence.

During the hearing, the Commission informed that the Old Secretariat Complex wherein many offices and establishments including the Nagaland Information Commission were located was completely destroyed by fire on 02.02.2017 during the public unrest in connection with the issue of the ULB (Urban Local Bodies) elections, and no items and properties such as office files, case files, documents, records, IT equipments and office furniture etc. could be retrieved. And with no office building, as a stop-gap arrangement the Commission was functioning from the guard house of the official quarter of the State Information Commissioner at Agri Farm Colony for collection of documents and reconstruction of files. And on the request of the Commission, the public authority had submitted copies of all correspondences, documents and records relating to the case for reconstruction of the case file, and the process of which could be completed only after shifting of the office to a new location around the 1<sup>st</sup> week of August 2017.

With the completion of the reconstruction of the case file and shifting of the office into a new building, the Commission had issued a directive dated 10.10.2017 to the Director & FAA, Rural Development, Nagaland to fix a date for hearing the first appeal and publish the hearing Notice in the local dailies/Newspapers summoning the applicant (now appellant) to appear for the hearing. However, since no compliance was received from the Director & FAA, Rural Development, the Commission had decided to hear the appeal case again.

During the hearing, Shri. Imlimeren, Director & FAA, Rural Development, Nagaland, Kohima informed that he took charge of the Director recently on the voluntary retirement of the former Director. He stated that as directed by the Commission, his former Director had fixed hearing **twice**, on 07.02.2017 at 12:20 PM and on 17.03.2017 at 12:00 PM (which was later rescheduled and heard on 20.03.2017), however, the applicant did not turn up in either of the two hearings. He further submitted that since the former Director & FAA was not in good health, the hearing notice could not be published in the local newspapers. He, however admitted the failure in complying to the directive of the Commission in not publishing the summon notice in the newspaper.

Smti. Imtinenla, Deputy Secretary (former Project Director & PIO, DRDA, Peren) submitted that the information had already been furnished to the applicant, however, on receipt of the information, the applicant had further submitted another RTI application and later

withdrawn the case. However, the Commission observed that the present appeal case and hearing was regarding the earlier RTI application and not regarding the second RTI application which was later withdrawn.

Further, the Commission observed that had the public authority complied to the directive by publishing the summon in the local newspapers, the Commission was ready to close the case since the applicant (now appellant) seemed to have no interest to pursue his appeal case as he had failed to appear before the Director & FAA, Rural Development, Nagaland, Kohima in two occasions for the hearing of his first appeal.

**DECISION:**

On the above observations and findings, the Commission decided that the Director & FAA, Rural Development, Nagaland, Kohima shall, **within fifteen (15) days** from the date of hearing today i.e. on or before **09.02.2018**, publish the hearing notice in the local newspapers/dailies summoning the applicant (now appellant) to appear for the hearing. A copy of the Notice for hearing and Newspaper clippings be submitted to this Commission. Further, after the hearing, the Director & FAA, Rural Development, Nagaland, Kohima shall pass decision, with a copy to the applicant (now appellant) and to this Commission.

Decision pronounced in the presence of the respondents only on 23.01.2018 at 12:00 PM.

Copy be given to:-

1. Shri. Imlimeren, Director & FAA, Rural Development, Nagaland, Kohima, Mobile No. 9436005660.
2. Smti. Imtinenla, Deputy Secretary (former Project Director & PIO, DRDA, Peren), Mobile No. 9436008665.
3. Shri. Neibou Sekhose, Joint Director, Rural Development, Nagaland, Kohima, Mobile No. 9436000365.
4. The applicant (now appellant), Shri. Gamsa, Kendung Village, Peren, Nagaland, Mobile No. 9485223976.
5. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
6. 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