

**NAGALAND INFORMATION COMMISSION**

**Below Raj Bhavan, Officers' Hill Colony**

**Post Box No. 148**

**Nagaland, Kohima-797001**

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No. NIC/Complaint-3/2017-18

Dated Kohima, the 27<sup>th</sup> March, 2018

Complainant : Shri. Akavi Sumi,  
House No.168,  
Lower Forest Colony,  
Kohima, Nagaland,  
Mobile No. 9402403339/7105321808

Respondent : The concerned PIO,  
Nagaland State Disaster Management Authority,  
Home Department,  
Nagaland, Kohima.

Public authority : Nagaland State Disaster Management Authority (NSDMA),  
Home Department,  
New Civil Secretariat,  
Nagaland, Kohima.

Date of hearing : 15.03.2018 at 12:00 PM.

Date of decision : 27.03.2018.

Present:

1. Shri. Jhonny Ruangmei, OSD & APIO, NSDMA, Nagaland, Kohima, Mobile No. 9856680933.
2. Smti. Akhala, Junior Accounts Officer, NSDMA, Nagaland, Kohima, Mobile No. 96128268417.
3. Er. Kevimelie Linyü, Junior Engineer, NSDMA, Nagaland, Kohima, Mobile No. 9862239052.

The applicant (now complainant) did not appear for the hearing.

**FACT OF THE CASE**

An applicant, Shri. Akavi Sumi, House No. 168, Lower Forest Colony, Kohima, Nagaland, Mobile No. 9402403339/7105321808, had submitted an RTI application dated **21.06.2017** addressed to the PIO, Home Department, Natural Calamities & Disaster Management Authority, Kohima, Nagaland along with the prescribed application fee of Rs. 10/- in cash seeking the following information:-

- i. *The sanction accord from the ministry since 2010 till date (i.e. 21/06/2017) for the State of Nagaland (year wise).*
- ii. *The sub allocation of works and amounts placed under respective districts and name of the Contractor/Firms.*
- iii. *The nature of works and completion of work's certificate with enclosed photos, mentioning the location of works.*

- iv. *All the ongoing works and newly projected works be furnished with all required documents details.*

However, on not getting any response to his RTI application dated 21.06.2017 from the PIO, Nagaland State Disaster Management Authority, Home Department, Nagaland, Kohima even after the lapse of the prescribed period of thirty (30) days, the applicant had submitted a letter dated **21.08.2017** to the PIO reminding to furnish the information, as the RTI application dated 21.06.2017 was handed over personally and there was no response for the past two (2) months. And on receipt of the reminder letter dated 21.08.2017, the Commissioner & Secretary & PIO, Nagaland State Disaster Management Authority-Home Department, Nagaland, Kohima had, vide letter No. NSDMA/RTI/2011(Pt-1)/904 dated **29.08.2017** furnished the information to the applicant.

On not being satisfied with the information furnished to him and the late response from the PIO, Nagaland State Disaster Management Authority, Home Department, Nagaland, Kohima to his RTI application dated 21.06.2017, the applicant had submitted a complaint dated 21.09.2017 to this Commission, stating that all the queries answered were **misleading** and that the Department had responded only after submission of his supplementary letter dated 21.08.2017.

The Commission had decided to hear the Complaint giving opportunity of being heard to all the parties on **15<sup>th</sup> March (Thursday), 2018 at 12:00 P.M in the Hearing Room of Nagaland Information Commission, Below Raj Bhavan, Officers' Hill Colony, Nagaland, Kohima** and **also to bring the files and relevant documents** in question for scrutiny on the above date and time for hearing.

- i. The concerned PIO, Nagaland State Disaster Management Authority, Home Department, Nagaland.
- ii. The applicant (now complainant), Shri. Akavi Sumi, House No. 168, Lower Forest Colony, Kohima, Nagaland.

### **OBSERVATION AND FINDINGS**

The Commission had waited for the applicant(now complainant) till 12:20 PM however, he did not appear for the hearing and therefore the hearing was held *ex parte*.

During the hearing, Shri. Jhonny Ruangmei, OSD & APIO, NSDMA, Nagaland, Kohima informed that the PIO who was the Commissioner & Secretary had already retired from government service and no new PIO had been appointed.

He stated that the information sought by the applicant were not specific hence no specific information could be furnished. He further explained that the Nagaland State Disaster Management Authority (now thereafter known as NSDMA) has two heads – SDRF and NDRF depending on the type of natural calamities and deals with disaster response and rescue activities. Moreover, the NSDMA is not an infrastructural development department/authority and has no specific allocation of works or funds and hence do not provide any sub-allocation for works. The Department do not have projected works but intervene only during emergencies, hence the emergency works would not apply for projection of works as emergency cannot be predicted or projected. Moreover, no tenders are floated since the NSDMA undertake works only for immediate restorative works where emergency nature of works arises due to natural calamities.

Further, since it has no engineering wing, depending on the nature of the calamity the funds are released through the respective Deputy Commissioners and works are executed through the DDMA's (District Disaster Management Authority) and the allied engineering departments such as the PWD and Irrigation & Flood Control offices in the districts.

He further submitted that the RTI application dated 21.06.2017 was received on 26.06.2017, however, admitted that the information could not be furnished to the applicant(now complainant) within the stipulated time not because of negligence but because the NSDMA was attending to emergencies after the several disasters that happened in the State such as the collapse of the bridge at 4<sup>th</sup> Mile Chathe Bridge, Dimapur on 11<sup>th</sup> July, 2017 and the flood in Dimapur on 19<sup>th</sup> July, 2017. However, later on receipt of the reminder dated 21.08.2017, the information was furnished to the applicant on 29.08.2017.

Er. Kevimelie Linyü, Junior Engineer, NSDMA, Nagaland, Kohima had also stated that works are executed in the districts and records are available in the district level. A copy of the following documents regarding district-wise Civil Works under NDRF were produced before the Commission during the hearing.

- i. District-wise Physical and Financial progress for 1<sup>st</sup> Phase of NDRF Civil Works for 2013-14;*
- ii. District-wise Physical and Financial progress for 2<sup>nd</sup>Phase of NDRF Civil Works for 2013-14;*
- iii. District-wise Assessment of damages of road during 2014-15 under NDRF;*
- iv. District-wise Expenditure Statement for NDRF Civil Works from 2012 to 2015;*
- v. List of proposal for District Disaster Management Authority(DDMA) for 2016-17.*

The Commission observed that the applicant (now complainant) might not know the types of relief funds and the other details as explained above. The Commission pointed out that there are two types of disasters – pre disaster and post disaster also known as retrofitting. It observed that the applicant had sought information related to mostly post-disasters and the excuse for not furnishing on time on account of attending to emergencies was **not tenable**. Further, the Commission opined that if the information are available at the district level, the RTI application should have been transferred to the respective districts.

The Commission observed that from the date of receipt of the RTI application dated 21.06.2017 on **26.06.2017** to the date of furnishing the reply to the applicant on **29.08.2017**, the number of days was 64 days. Considering the 30 days for the PIO to furnish the information, the number of days of delay becomes (64 – 30) days= **34 days**, for which penalty was attracted.

The Commission further observed that the applicant (now complainant) had sought some additional information in his complaint dated 21.09.2017 which was submitted to the Commission and an amount of Rs. 20.00 was also found enclosed in his Complain dated 21.09.2017. However, since the present complaint was against the above four queries only, the Commission made its stand clear that the applicant cannot seek additional information at the time of appeal or complaint and hence cannot entertain the additional information sought at the time of his complain to the Commission. However, the applicant (now complainant) is free to file another separate RTI on his additional queries.

### **DECISION**

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

1. whatever information available with the NSDMA regarding the funds or sanctions which comes under both pre and post disasters and under SDRF and NDRF during the period from 2010 to 21.06.2017 (i.e. at the time when the RTI application was received) as sought by the applicant (now complainant) and including the above mentioned documents regarding district-wise Civil Works under NDRF which were produced before the Commission during the hearing shall be furnished to the applicant (now complainant) within **one (1) month** from the date of receipt of this decision and with a copy to this Commission.

2. On furnishing of the above information, the PIO shall confirm satisfaction or non-satisfaction from the applicant (now complainant) and submit it to the Commission within **one (1) month** from the date of receipt of this decision and with a copy to this Commission.
3. Also, since there is no fee for filing either an appeal or a compliant to the Commission, the amount of Rs. 20.00 which the applicant(now complainant) had enclosed in his Complain dated 21.09.2017 to the Commission is hereby returned.
4. Since there was delay and inorder to ascertain the cause of delay, the details regarding who received the RTI application dated 21.06.2017 and how was it processed shall be submitted to the Commission within **one (1) month** from the date of receipt of this decision.

On receipt of the above compliance, the Commission shall hear the case again in the next hearing which shall be notified later.

Decision pronounced in the presence of only the respondent on 15.03.2018.

Copy be given to all the parties:

1. The concerned PIO, Nagaland State Disaster Management Authority, Home Department, Nagaland, Kohima.
2. Shri. Jhonny Ruangmei, OSD & APIO, NSDMA, Nagaland, Kohima, Mobile No. 9856680933.
3. The applicant (now complainant), Shri. Akavi Sumi, House No. 168, Lower Forest Colony, Kohima, Nagaland, Mobile No. 9402403339/7105321808.
4. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
5. 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