

# NAGALAND INFORMATION COMMISSION

Below Raj Bhavan, Officers' Hill Colony

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No.NIC/Appeal-11/ 2018-19.

Dated Kohima, the 29<sup>th</sup> January, 2019.

## **Sub: Notice for Hearing on 19<sup>th</sup> February, 2019 (Tuesday) at 1:00 P.M.**

WHEREAS, under Section 19 of the RTI Act, 2005, the Nagaland Information Commission had received a second appeal dated 28.11.2018 from Shri. Molo Jamir, Advocate, Principal District & Sessions Court, Mokokchung, Nagaland/ Home address: House No.38, Lijaba Lijen Ward, Mokokchung, Nagaland, email:molojmair@gmail.com, Mobile No.9862127003/ 9862127003/ 7005040093 against the non-satisfaction of information furnished by Er. K. Theunuo, Chief Engineer & First Appellate Authority, O/o the Chief Engineer PWD (National Highway), Nagaland, Kohima to his first appeal dated 12.09.2018 which was submitted against the non-satisfaction of information furnished by Shri. Chubatoshi, Executive Engineer, PWD (NH) Division-II, Mokokchung, Nagaland to his RTI application vide letter Ref:MJ/RTI/17/18 dated 17.07.2018.

AND WHEREAS, the applicant, Shri. Molo Jamir, had earlier submitted an RTI application vide letter Ref:MJ/RTI/17/18 dated 17.07.2018 addressed to the Public Information Officer, Office of the Deputy Commissioner, Mokokchung, Nagaland along with an application fee of `10/- seeking the following information:-

1. *List of land/ house owners under Unger village, Chuchuyimlang village and Mongsenyimti village affected by the two-lane road construction.*
2. *Detailed criteria under which the compensation is to be paid to the each affected land/ house owner.*
3. *Village-wise details of the total amount sanctioned as compensation to the affected landowners falling under the jurisdiction of Unger, Chuchuyimlang village and Mongsenyimti village.*
4. *Complete list of the amount sanctioned as compensation to each and every land/ house owner under Unger village, Chuchuyimlang and Mongsenyimti village.*

AND WHEREAS, on receipt of the RTI application vide letter Ref:MJ/RTI/17/18 dated 17.07.2018 on 17.07.2018, Shri. W. Manpai Phom, Additional Deputy Commissioner & PIO, Mokokchung, Nagaland had, vide letter No.JUD-50/2016-17/212 dated 09.08.2018 **transferred the original RTI application** to the Executive Engineer, National Highway, Mokokchung, Nagaland to furnish the required information at the earliest and directly to the applicant under intimation to their Office and with a copy to the applicant (now appellant).

AND WHEREAS, on receipt of the above letter No.JUD-50/2016-17/212 dated 09.08.2018, Shri. Chubatoshi, Executive Engineer, PWD (National Highway) Division-II, Mokokchung, Nagaland had, vide letter No.EE/MKG/NH/T-48/2018-19/148-150 dated 07.09.2018 furnished the information for query Nos. 1, 2, 3 and 4 to the applicant (now appellant) with a copy to the Deputy Commissioner, Mokokchung, Nagaland.

AND WHEREAS, on not being satisfied with the above information on **query No.4**, the applicant (now appellant) had submitted his first appeal dated 12.09.2018 to the Chief Engineer & FAA, PWD (National Highway), Nagaland, Kohima.

AND WHEREAS, on receipt of the first appeal dated 12.09.2018, Er. K. Theunuo, Chief Engineer & FAA, PWD (NH), Nagaland, Kohima had, vide letter No.CE/NH/RTI-20/2009 dated 26.10.2018 stated that the Executive Engineer, PWD (National Highway) had replied to query No.4 that the payment was in progress. Further, in referring to para 8 of his first appeal dated 12.09.2018, he stated that under RTI Act, 2005, Section 8(g) stipulating “*information, the disclosure of which would endanger the life of physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes*” and denied his request that it cannot be disclosed as it pertain to the safety of person and has no relation to any public activity or interest.

AND WHEREAS, on not being satisfied with the above information furnished by the Chief Engineer & FAA PWD (National Highway), Nagaland, Kohima, the applicant (now appellant) had submitted a second appeal dated 28.11.2018 to the Commission, along with an annexure regarding court judgment of AIR 2005 KARNATAKA 21, K. RAVIKUMAR Vs. BANGALORE UNIVERSITY and A.M. Khaithan v. M. Sheshappa.

AND WHEREAS, since the applicant (now appellant) is not satisfied with the information on query No.4 and there has been delay in furnishing the information by Shri. Chubatoshi, Executive Engineer, PWD (National Highway) Division-II, Mokokchung, Nagaland, the Commission has decided to hear the appeal case giving opportunity of being heard to all the parties on **19<sup>th</sup> February, 2019 (Thursday) at 1:00 P.M.** 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. Er. K. Theunuo, Chief Engineer & FAA, O/o the Chief Engineer PWD (National Highway), Nagaland, Kohima.
- ii. Er. Chubatoshi, Executive Engineer & PIO, O/o the Executive Engineer PWD (National Highway) Division-II, Mokokchung, Nagaland.
- iii. The applicant (now appellant), Shri. Molo Jamir, Advocate, Principal District Sessions Court, Mokokchung, Nagaland/ Home address: House No.38, Lijaba Lijen Ward, Mokokchung, Nagaland.

**Sd/-**  
**CHANBEMO LOTHA**  
**Chief Information Commissioner**

No.NIC/Appeal-10/2018-19.

Dated Kohima, the 30<sup>th</sup> January, 2019.

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. Er. K. Theunuo, Chief Engineer & FAA, O/o the Chief Engineer PWD (National Highway), Nagaland, Kohima.
5. Er. Chubatoshi, Executive Engineer & PIO, O/o the Executive Engineer PWD (National Highway) Division-II, Mokokchung, Nagaland.
6. The applicant (now appellant), Shri. Molo Jamir, Advocate, Principal District Sessions Court, Mokokchung, Nagaland/ Home address: House No.38, Lijaba Lijen Ward, Mokokchung, Nagaland.
7. The Computer Programmer, Nagaland Information Commission for uploading on the Commission's website and Notice Board.
8. Office Copy.

**( WORHONTHUNG EZUNG )**  
Secretary