

NAGALAND INFORMATION COMMISSION

Old Secretariat Complex,

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Nagaland, Kohima - 797001.

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No. NIC/Appeal-18/2014-15

Dated Kohima, the 25th March, 2015.

Appellant: Shri. Rajen Puzari,
Khoundpara,
Dergaon – 8,
P.O. Dergaon – 785614,
Dist. Golaghat, Assam,
Mobile No. 9854014801

Respondent(s): 1) The Chief Secretary & First Appellate Authority,
Office of the Chief Secretary,
Nagaland, Kohima.

2) The concerned PIO,
Office of the Director General of Police,
Nagaland, Kohima.

3) The Special Secretary,
Home Department,
Nagaland, Kohima.

4) Smti. Thangkhonei Singsit,
Additional Secretary & PIO,
Home Department, Political Branch,
Nagaland, Kohima.

5) The concerned PIO,
Office of the Chief Secretary,
Nagaland, Kohima.

6) Smti. Pusachole Mekro,
Deputy Secretary & APIO,
Home Department, Political Branch,
Nagaland, Kohima.

Public Authority: Home Department, Nagaland, Kohima.

Date of hearing: 23.03.2015 (Monday) at 1:30 PM

Date of Decision: 25.03.2015.

Present:

1. Shri. G. Viccashe Sumi, IGP (Hqtr) & PIO, Office of the Director General of Police, Nagaland, Kohima.
2. Shri. L. Singsit, Special Secretary & First Appellate Authority, Home Department, Nagaland, Kohima, Mobile No. 9436001923.
3. Smti. Thangkhonei Singsit, Additional Secretary & PIO, Home Department, Political Branch, Nagaland, Kohima, Mobile No. 9436832014.
4. Smti. Pusachole Mekro, Deputy Secretary & APIO, Home Department, Political Branch, Nagaland, Kohima, Mobile No. 9436607845.
5. Ms. K. Pienyü, Junior Section Officer & PIO, Office of the Chief Secretary, Nagaland, Kohima, Mobile No. 9436071276.

The following did not appear for the hearing:-

1. The First Appellate Authority, Office of the Chief Secretary, Nagaland, Kohima.
2. The applicant(now appellant), Shri. Rajen Puzari, Khoundpara, Dergaon – 8, P.O. Dergaon – 785614, Dist. Golaghat, Assam, Mobile No. 9854014801.

FACT OF THE CASE

An applicant, Shri. Rajen Puzari, Khoundpara, Dergaon – 8, P.O. Dergaon – 785614, Dist. Golaghat, Assam, Mobile No. 9854014801 had submitted an RTI application dated 25.11.2014 addressed to the SPIO, Office of the Chief Secretary, Nagaland, Kohima alongwith the prescribed application fee of Rs. 10/- (Rupees ten only) paid vide IPO, seeking information regarding detail list of criminals involvement in violence of Assam-Naga Border areas in the second week of August at Uriamghat B-Sector with the following descriptions:-

Honourable C.M of Nagaland Government announced that their Government had taken necessary action against the criminals who were involved with in the violence of Assam-Nagaland Border area occurred in the second week of August 2014 at Uriamghat. He expressed this statement in the border issue dialogue with the C.M of Assam in Guwahati.

- i. What actions have been taken in this regard? Detail documents are required.*
- ii. How many criminals have been arrested, their names and case Nos. and IPC Sections are also required?*
- iii. What steps have been taken for rehabilitation of violence victims in the area as human right violation matter from the Naga Government?*

And on receipt of the RTI application dated 25.11.2014, Ms. Ningsang Tally, OSD to Chief Secretary, Nagaland had, vide letter No. CSO/10/RTI/2014/234 dated 03.12.2014 transferred it to the Special Secretary, Home Department, Nagaland, Kohima since the information was not available in the office of the Chief Secretary and with a request to furnish the information directly to the applicant. A copy was also endorsed to the applicant.

On receipt of the RTI application dated 25.11.2014, transferred by Ms. Ningsang Tally, OSD to Chief Secretary, Nagaland, Smti. Thangkhonei Singsit, Additional Secretary & PIO, Home Department, Political Branch had, vide letter No. CON-1/G/RTI/1/2014 dated 18.12.2014 transferred it to the Director General of Police, Nagaland, Kohima requesting to furnish the information urgently, and with a copy to the applicant.

However, on not getting any information within the stipulated time frame of 30 days, the applicant had preferred **first appeal dated 13.01.2015** addressed to the First Appellate Authority, Office of the Chief Secretary, Nagaland, Kohima.

And on receipt of the first appeal dated 13.01.2015, Shri. C. J. Ponraj, IAS, Chief Secretary, Nagaland, Kohima had, vide letter No. CSO/10/RTI/2014/256 dated 17.01.2015 wrote to the Additional Chief Secretary & First Appellate Authority, Home Department, Nagaland, Kohima to expedite furnishing of information sought by the applicant, and with a copy endorsed to the applicant.

Smti. Thangkhonei Singsit, Additional Secretary & PIO, Home Department, Political Branch had, vide letter No. CON-1/G/RTI/1/2014 dated 21.01.2015 given an **interim reply** informing the applicant (now appellant) that the information were asked from the concerned departments which shall be sent as soon as received.

Smti. Pusachole Mekro, Deputy Secretary & APIO, Home Department, Political Branch had, vide letter No. CON-1/G/RTI/1/2014 dated 18.02.2015 while reminding to furnish the information urgently for further submission to the applicant, transferred the first appeal dated 13.01.2015 to the Director General of Police, Nagaland, Kohima, and with a copy to the applicant (now appellant).

However, on not getting any information till date, the applicant (now appellant) had preferred a second appeal dated 27.02.2015 before this Commission. A copy of Newspaper clippings from **The Telegraph** dated 22.08.2014 was also enclosed.

And since the applicant (now appellant) had submitted a Second Appeal dated 27.02.2015 stating that he did not receive any information from the Special Secretary, Home Department, Nagaland, Kohima to his RTI application dated 25.11.2014 and to his subsequent first appeal dated 13.01.2015 addressed to First Appellate Authority, Office of the Chief Secretary, Nagaland, Kohima, the Commission had decided to hear the appeal, giving opportunity to the parties, on **23rd March, 2015 (Monday) at 1:30 PM.** in the **Hearing Room of the Nagaland Information Commission, Old Secretariat Complex, Kohima.** The Commission also directed the concerned parties **to bring the files and relevant documents** in question for scrutiny, on the above date and time for hearing.

OBSERVATIONS AND FINDINGS:

The Commission had on 23.03.2015 received a letter dated 21.03.2015 from the applicant (now appellant) stating that he would not be able to attend the hearing on 23.03.2015 due to unavoidable personal problem and had requested the Commission to relieve him from attendance during the hearing.

During the hearing, Shri. G. Viccashe Sumi, IGP (Hqtr) & PIO, Office of the Director General of Police, Nagaland, Kohima submitted that the letter dated 18.12.2014 transferred by the Home Department, Nagaland, Kohima requesting to furnish the information was received on 19.12.2014, but since a copy of the RTI application dated 25.11.2014 was not enclosed, the Assistant Inspector General of Police(Ops) & APIO, PHQ, Nagaland, Kohima wrote back to the Home Department, Nagaland, Kohima vide letter No. PHQ(CON-II)185/RTI/2014 dated 15.01.2015 requesting to forward a copy of the RTI application dated 25.11.2014. And on receipt of the RTI application dated 25.11.2014 forwarded by Smti. Thangkhonei Singsit, Additional Secretary & PIO, Home Department, Political Branch, Nagaland, Kohima vide letter No. CON-1/G/RTI/1/2014 dated 19.01.2015, Shri. Videlalie Zashumo, Assistant Inspector General of Police(Ops) & APIO, PHQ, Nagaland, Kohima had, vide letter No. PHQ(CON-II)185/RTI/2015 dated 23.01.2015 written to the Deputy Inspector General of Police(Training & Border), Chumukedima, Nagaland to submit the details for onward submission to the applicant latest by 30.01.2015. However, the Deputy Inspector General of Police(Training & Border), Chumukedima, Nagaland had, vide letter No. DIG(TRG)/PHQ-16/2014-15/462 dated 30.01.2015, replied that since the information sought by the applicant pertains to law and order which comes under the purview of the District Administration and District Police concerned, the details of information to be sought from the concerned District Police.

Accordingly, Shri. Videlalie Zashumo, Assistant Inspector General of Police(Ops) & APIO, PHQ, Nagaland, Kohima had, vide letter No. PHQ(CON-II)185/RTI/2015 dated 03.02.2015 written to the Superintendent of Police, Wokha, Nagaland to furnish the information sought by the applicant for onward submission to the applicant latest by 16.02.2015. And the Superintendent of Police, Wokha, Nagaland had, vide letter No. WDP/CB-30/2014-15/2742 dated 10.02.2015 submitted to the Assistant Inspector General of Police(Ops) & APIO, Nagaland, Kohima the details of information sought by the applicant regarding the violence of Assam-Nagaland border area in the 2nd week of August, 2014 at Uriamghat 'B' Sector.

And on receipt of the above details of information submitted by the Superintendent of Police, Wokha, Nagaland, Shri. G. Viccashe Sumi, IGP (Hqtr) & PIO, Office of the Director General of Police, Nagaland, Kohima had, vide letter No. PHQ(CON-II)185/RTI/2015 dated **16.02.2015** submitted the information to the Additional Chief Secretary & Home Commissioner, Home Department, Nagaland, Kohima.

Meanwhile, Smti. Pusachole Mekro, Deputy Secretary & APIO, Home Department, Political Branch had, vide letter No. CON-1/G/RTI/1/2014 dated 18.02.2015, while reminding to furnish the information urgently for further submission to the applicant, transferred the first appeal dated 13.01.2015 to the Director General of Police, Nagaland, Kohima, and with a copy to the applicant (now appellant).

And on receipt of the above details of information forwarded by Shri. G. Viccashe Sumi, IGP (Hqtr) & PIO, Office of the Director General of Police, Nagaland, Kohima, Smti. Pusachole Mekro, Deputy Secretary & APIO, Home Department, Political Branch, Nagaland, Kohima had, vide letter No. CON-1/G/RTI/1/2014 dated **24.02.2015** furnished the information to the applicant (now appellant) which was sent by **ordinary post.**

Also during the hearing, Smti. Thangkhonei Singsit, Additional Secretary & PIO, Home Department, Political Branch, Nagaland, Kohima submitted that on 21.03.2015, when she contacted the applicant (now appellant) over the telephone, the applicant (now appellant) had **confirmed receipt** of the information, however, he was **not satisfied** with the information so received.

However, the Commission observed that proof of sending the information by ordinary post was not submitted or produced before the Commission. And since the information was sent by ordinary post, there was no evidence of tracking the information sent or receipt of the information by the applicant (now appellant). Further, the Commission advised that in future, all correspondences regarding RTI matters be sent by some reliable means like Speed Post or Registered Post or Courier Service.

Regarding the first appeal dated 13.01.2015 submitted to the First Appellate Authority, Office of the Chief Secretary, Nagaland, Kohima, the Commission observed that instead of hearing the first appeal submitted by the applicant, the Office of the Chief Secretary, Nagaland, Kohima had on 17.01.2015 simply forwarded the first appeal to the Additional Chief Secretary & First Appellate Authority, Home Department, Nagaland, Kohima to expedite furnishing of information sought by the applicant, and with a copy endorsed to the applicant.

And on receipt of the first appeal, Smti. Pusachole Mekro, Deputy Secretary & APIO, Home Department, Political Branch had, vide letter No. CON-1/G/RTI/1/2014 dated 18.02.2015 transferred the first appeal dated 13.01.2015 to the Director General of Police, Nagaland, Kohima requesting to furnish the information urgently for further submission to the applicant, and with a copy to the applicant (now appellant).

The Commission cautioned that in future, on receipt of any first appeal, the FAA shall hold a hearing of all the parties concerned and pass quasi-judicial orders.

DECISION:

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

1. the Home Department, Political Branch, Nagaland, Kohima had, on **24.02.2015** furnished the information to the applicant(now appellant) by **ordinary post**, however, since no record of furnishing the information to the applicant(now appellant) or proof of sending the information by ordinary post was submitted or produced before the Commission, the Additional Secretary & PIO, Home Department, Political Branch, Nagaland, Kohima is directed to submit to the Commission, copies of all documents/information furnished to the applicant(now appellant) including a **photocopy of the Issue/Despatch Register** wherein the sending of the information to the applicant(now appellant) by ordinary post was recorded, **within 15 days** from the date of receipt of this Commission's decision.
2. the applicant (now appellant) had confirmed **telephonically** the receipt of the information furnished by the Additional Secretary & PIO, Home Department, Political Branch, Nagaland, Kohima, however, since there is no official confirmation or acknowledgement or proof of receipt of the information from the applicant (now appellant), the Additional Secretary & PIO, Home Department, Political Branch, Nagaland, Kohima is directed that on receipt of an **official acknowledgement** from the applicant (now appellant), a copy of the acknowledgement from the applicant (now appellant) be submitted to this Commission.

This appeal case shall be declared closed only after compliance to the above decision is received.

Decision pronounced in presence of all parties present on 23.03.2015.

Copy be given to:-

1. The First Appellate Authority, Office of the Chief Secretary, Nagaland, Kohima.
2. Shri. G. Vicashe Sumi, IGP (Hqtr) & PIO, Office of the Director General of Police, Nagaland, Kohima.

3. Shri. L. Singsit, Special Secretary & First Appellate Authority, Home Department, Nagaland, Kohima, Mobile No. 9436001923.
4. Smti. Thangkhonei Singsit, Additional Secretary & PIO, Home Department, Political Branch, Nagaland, Kohima, Mobile No. 9436832014.
5. Smti. Pusachole Mekro, Deputy Secretary & APIO, Home Department, Political Branch, Nagaland, Kohima, Mobile No. 9436607845.
6. Ms. K. Pienyü, Junior Section Officer & PIO, Office of the Chief Secretary, Nagaland, Kohima, Mobile No. 9436071276.
7. The applicant(now appellant), Shri. Rajen Puzari, Khoundpara, Dergaon – 8, P.O. Dergaon – 785614, Dist. Golaghat, Assam, Mobile No. 9854014801.
8. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
9. Office Copy.

(KEVININO P. MERU)
Chief Information Commissioner

(BUKCHEM PHOM)
State Information Commissioner