

**NAGALAND INFORMATION COMMISSION**  
**Old Secretariat Complex,**  
**Post Box No. 148**  
**Nagaland, Kohima - 797001.**  
**Tel: 0370-2291041, Fax: 0370-2291774, Website: www.nlsic.gov.in**

No. NIC/Appeal-4/2014-15

Dated Kohima, the 17<sup>th</sup> June, 2014.

Appellant: Shri. Raju Kumar,  
Vill - Gajadhar Ganj,  
P.O – Gajadhar Ganj,  
P.S – Baxar Nagar,  
Dist. – Baxar

Respondent: Shri. O. P. Phom,  
Judicial Magistrate First Class,  
Zunheboto, Nagaland

Public Authority: Office of the Deputy Commissioner(Judicial),  
Zunheboto, Nagaland.

Date & time of hearing: 12.06.2014 (Thursday) at 12:00 noon

Date of Interim Decision: 17.06.2014

Present:

1. Shri. O. P. Phom, Judicial Magistrate First Class, Zunheboto, Nagaland.
2. The applicant(now the appellant), Shri. Raju Kumar, Vill - Gajadhar Ganj, P.O – Gajadhar Ganj, P.S – Baxar Nagar, Dist. – Baxar **did not appear** for the hearing.

**FACTS OF THE CASE**

An applicant, Shri. Raju Kumar, Vill - Gajadhar Ganj, P.O – Gajadhar Ganj, P.S – Baxar Nagar, Dist. – Baxar had submitted a RTI application dated 16.11.2013 (in Hindi) addressed to the PIO, Shri. O. P. Phom, Judicial Magistrate First Class, Zunheboto, Nagaland alongwith an application fee of Rs. 10/-, requesting for an attested Xerox copy of Case No. 19/13 which was started after the application registered by the victim, Israyal and his father to Shri. O. P. Phom, Judicial Magistrate First Class, Zunheboto, Nagaland.

However, on not getting any response to his RTI application dated 16.11.2013 within the stipulated time frame of the 30 days under the RTI Act, 2005, the applicant had preferred first appeal dated 26.12.2013 to the First Appellate Authority, District Court, Zunheboto, Nagaland.

And further, on not getting any response from the First Appellate Authority, District Court, Zunheboto, Nagaland to his first appeal dated 26.12.2013 (in Hindi), the applicant(now the appellant) had preferred second appeal dated **06.02.2014 (in Hindi)** before this Commission, stating that there was no response from the First Appellate Authority, District Court, Zunheboto, Nagaland to his first appeal dated 26.12.2013 **(in Hindi)** which was submitted against the non-response of the PIO, Judicial Magistrate First Class, Zunheboto, Nagaland to his RTI application dated 16.11.2013 **(in Hindi)**.

The second appeal dated **06.02.2014 (in Hindi)** alongwith the RTI application dated 16.11.2013 **(in Hindi)** and the First Appeal dated 26.12.2013 **(in Hindi)** which were received by the Commission on 05.03.2014 was sent for translating into English. And the translated the Second Appeal dated 06.02.2014, the RTI application dated 16.11.2013 and the First Appeal dated 26.12.2013 was received by the Commission in April, 2014.

Since there was neither any response to the RTI application dated 16.11.2013 nor to the subsequent first appeal dated 26.12.2013, the Commission has decided to hear the appeal, giving opportunity to the parties, on **12<sup>th</sup> June, 2014 (Thursday) at 12:00 noon.**

### **OBSERVATIONS & FINDINGS:**

During the hearing, Shri. O. P. Phom, Judicial Magistrate First Class, Zunheboto, Nagaland submitted that a copy of order passed by the District Court is given to all the parties after every case is held, and also that the copy of Case No. 19/13 registered by the victim, Israyal and his father might have been given. However, the applicant had requested for an attested Xerox copy of Case No. 19/13 registered by the victim, Israyal and his father under the RTI Act, 2005.

Shri. O. P. Phom, Judicial Magistrate First Class & PIO, Zunheboto, Nagaland submitted that he had received the RTI application and had also given the reply by postal service. However, he admitted that he did not bring the postal acknowledgement and that they were available in his office.

The Commission could not proceed with the case further since there were no documentary proof from the PIO and that the applicant (now appellant) did not appear for the hearing, and hence reserves its decision for the next hearing.

### **DECISION/ ORDER (INTERIM)**

On the above observations and findings, the Commission, therefore, decides that:-

1. The next hearing shall be held on **1<sup>st</sup> August, 2014 at 12:00 Noon.**
2. Shri. O. P. Phom, Judicial Magistrate First Class, Zunheboto, Nagaland who is also the PIO, is directed to produce copies of all the correspondences, acknowledgements and files relating to the RTI and appeal case during the next hearing.
3. He is also directed to submit copies of acknowledgements and correspondences to the Commission on or before **20.07.2014.**
4. The First Appellate Authority who is the District and Session Judge, Zunheboto is also directed to appear for the said hearing on 01.08.2014.

Copy be given to:-

1. The District and Session Judge & FAA, Zunheboto, Nagaland.
2. Shri. O. P. Phom, Judicial Magistrate First Class & PIO, Zunheboto, Nagaland.
3. The applicant(now the appellant), Shri. Raju Kumar, Vill - Gajadhar Ganj, P.O – Gajadhar Ganj, P.S – Baxar Nagar, Dist. – Baxar.
4. The Computer Programmer, Nagaland Information Commission for uploading on the website.
5. Office Copy.

**(Kevinino P. Meru)**  
State Information Commissioner,  
Nagaland

**(Bukchem Phom)**  
State Information Commissioner,  
Nagaland.

Authenticated by:-

**(SOYIMNA AIER KOZA)**  
Secretary  
Nagaland Information Commission