

**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-10/2015-16

Dated Kohima, the 17<sup>th</sup> July, 2015.

Appellant: Shri. Vikheto Zhimomi,  
P.R Hill Colony,  
Kohima,  
Mobile No. 9615115300

Respondent(s) : 1) The Director General of Police & FAA,  
PHQ,  
Nagaland, Kohima.

2) Shri. G. Vicashe Sumi, IPS  
IPS, Inspector General of Police (Hqtr) & PIO,  
Office of the Director General of Police,  
Nagaland, Kohima.

Public Authority : Office of the Director General of Police, Nagaland, Kohima.

Date of hearing : 14.07.2015 at 12:00 PM.

Date of Decision : 17.07.2015.

Present:

1. Shri. G. Vicashe Sumi, IPS, Inspector General of Police (Hqtr) & PIO, Office of the Director General of Police, Nagaland, Kohima, Mobile No. 9436008009.
2. The applicant (now appellant), Shri. Vikheto Zhimomi, P.R Hill Colony, Kohima, Mobile No. 9615115300.

The Director General of Police & FAA, PHQ, Nagaland, Kohima **did not appear**.

**FACT OF THE CASE.**

An applicant, Shri. Vikheto Zhimomi, P.R Hill Colony, Kohima, Mobile No. 9615115300, had filed an RTI application dated **30.03.2015**, addressed to the PIO, Director General of Police Office, Nagaland, Kohima, alongwith the prescribed application fee of Rs. 10/- (Rupees ten only), paid in cash, seeking the following information:-

1. *Kindly issue me all the advertisement for recruitment of various posts from 2012 to 2015.*
2. *How many persons were recruited from 2012 till date? Kindly furnish in details with Name, Designation/Rank, Date of appointment, Company/Office and against whose retired employees (if any).*
3. *Kindly provide me a Xerox copy of all the post creation/sanction post from 2012 till date.*
4. *How many employees were retired from 2012 till date?*

The above RTI application was received by the public authority on the same day i.e. 30.03.2015 as evidenced on the photocopy of the RTI application.

On not getting any information to his RTI application dated 30.03.2015 within the stipulated time frame of 30 days, the applicant had preferred first appeal dated **19.05.2015** addressed to the Appellate Authority, Director General of Police Office, Nagaland, Kohima.

And in response to his RTI application dated 30.03.2015, Shri. G. Vicashe Sumi, IPS, Inspector General of Police (Hqtr) & PIO, Office of the Director General of Police, Nagaland, Kohima had, vide letter No. PHQ(CON-II)185/RTI/2015/1871 dated **22.05.2015** furnished the information to the applicant (now appellant) as shown below:-

1. *Reply 1: 03 (three) Advertisements enclosed.*
  - i. *No. PHQ(C-1)2/90(PT) dated 20.01.2012.*
  - ii. *No. PHQ(B-1)1/24(GEN) 2014 dated March, 2015.*
  - iii. *No. PHQ(C-1)2/90(PT) dated 16.05.2015.*

2. Reply 2: Total:- 67 (List enclosed in the form of Annexure - A)
3. Reply 3: 'NIL'.
4. Reply 4: Employee retired from 2012 till date: 708.

On receipt of the information, the applicant (now appellant) preferred a Second appeal dated 01.06.2015 before this Commission, stating that on submission of his first appeal dated 19.05.2015, he had received incomplete information from the PIO, Office of the DGP, Nagaland, Kohima after the time limit in response to his RTI application dated 30.03.2015. Further, he was not satisfied with **query No. 2**, as the appointments made from 2012 till date should be more than what the PIO furnished, because there were many untrained police personnel who were appointed on or after 2012 and their names were not found in the list.

Since there was a delay in furnishing the information as the information was furnished only after the receipt of the first appeal and that too an **incomplete** information, and moreover, there was no record of hearing of the first appeal or action on the first appeal by the First Appellate Authority, Office of the Director General of Police, Nagaland, Kohima, the Commission has decided to hear the appeal, giving opportunity to all the parties, on **7<sup>th</sup> July, 2015 (Tuesday) at 12:00 PM** in the **Hearing Room of the Nagaland Information Commission, Old Secretariat Complex, Kohima** with the following parties:-

- i. The Director General of Police & FAA, PHQ, Nagaland, Kohima.
- ii. Shri. G. Vicashe Sumi, IPS, Inspector General of Police (Hqtr) & PIO, Office of the Director General of Police, Nagaland, Kohima, Mobile No. 9436008009.
- iii. The applicant (now appellant), Shri. Vikheto Zhimomi, P.R Hill Colony, Kohima, Mobile No. 9615115300.

However, due to some unavoidable circumstances, the Commission had, vide its letter of even No. dated 01.07.2015 notified that the hearing which was earlier scheduled **on 7<sup>th</sup> July, 2015 (Tuesday) at 12:00 PM** was postponed to **14<sup>th</sup> July, 2015 (Tuesday) at 12:00 PM**.

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

The Commission observed that since the First Appeal dated 19.05.2015 was submitted and there was no record of hearing or action on the first appeal by the Director General of Police & FAA, PHQ, Nagaland, Kohima, the Commission desired the presence of the FAA during the hearing on 14.07.2015. However, since the Director General of Police & FAA, PHQ, Nagaland, Kohima **did not appear** for the hearing without any prior information to the Commission, the Commission had viewed seriously and expressed deep displeasure for his absence.

The Commission also observed that Shri. G. Vicashe Sumi, IPS, Inspector General of Police (Hqtr) & PIO, Office of the Director General of Police, Nagaland, Kohima had furnished the information only on **22.05.2015** i.e. after 53 days of the submission of the first appeal dated 19.05.2015. Hence, excluding the 30 days for the PIO to furnish information, there was a delay of  $53 - 30 = \mathbf{23 \text{ days}}$ .

During the hearing, the applicant (now the appellant) had submitted that he was not satisfied with the reply to **query No. 2 only** of his RTI application dated 30.03.2015, since the names of some employees from the battalions whom he knew did not feature in the list of 67 names furnished by the PIO.

In response, Shri. G. Vicashe Sumi, IPS, Inspector General of Police (Hqtr) & PIO, Office of the Director General of Police, Nagaland, Kohima had explained that on receipt of the list of names from the district units, he had furnished the information to the applicant. However, since recruitment is being done on two (2) lines viz. at PHQ and frontline, and that the selected candidates are not considered in the regular strength of employees unless they attend the basic training, the list of names which was furnished earlier may not include all the selected candidates. Further, he submitted that the delay in furnishing the information to the applicant was due to the delay in sending signals to the district units, and also the delay in compiling and submitting the information by the district units to the PHQ. And considering the time taken in collecting the information from the district units, the PIO had requested the Commission for atleast **two and half (2½) months** to furnish the complete and correct information to the applicant (now appellant).

**DECISION:**

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

1. Under Section 20(1) of the RTI Act, 2005, the Commission impose a penalty for the delay of **23 days** in furnishing the information @ Rs. 250.00 amounting to a total penalty of **Rs. 5,750.00** (Rupees five thousand seven hundred and fifty only) on Shri. G. Viccasse Sumi, IPS, Inspector General of Police (Hqtr) & PIO, Office of the Director General of Police, Nagaland, Kohima.

The penalty amount shall be paid within **one (1) month** from the date of receipt of this Commission's Decision. The penalty fine shall be deposited into the government account through treasury challan in favour of the Consultant (Accounts), Nagaland Information Commission, Nagaland, Kohima under the Head of Account given below:-

0070 - Other Administrative Services,

60 - Other Services

118 – Receipts under RTI Act, 2005.

2. The above PIO shall submit to the Commission, the copies of the signals and/or letters sent to the district units requesting to submit the information to the PHQ.
3. On receipt of the information from the district units, the PIO shall furnish the correct and complete information to the applicant (now appellant) within **two and half (2½) months** from the date of receipt of this decision, and with a copy to this Commission.
4. And on receipt of the information from the PIO, the applicant (now appellant) shall submit satisfaction or non-satisfaction with the information so received, to the Commission and the public authority.

The Commission shall decide the next course of action only after the above compliances are received.

Decision pronounced in presence of all parties present on 14.07.2015.

Copy be given to:-

1. The Director General of Police & FAA, PHQ, Nagaland, Kohima.
2. Shri. G. Viccasse Sumi, IPS, Inspector General of Police (Hqtr) & PIO, Office of the Director General of Police, Nagaland, Kohima, Mobile No. 9436008009.
3. The applicant (now appellant), Shri. Vikheto Zhimomi, P.R Hill Colony, Kohima, Mobile No. 9615115300.
4. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
5. Office Copy.

Sd/-

**KEVININO P. MERU**  
Chief Information Commissioner

Sd/-

**BUKCHEM PHOM**  
State Information Commissioner

Authenticated true copy:-

**(WORHONTHUNG EZUNG)**  
Deputy Secretary