

**NAGALAND INFORMATION COMMISSION**

**Old Secretariat Complex,**

**Post Box No. 148**

**Nagaland, Kohima - 797001.**

**Tel: 0370-2291041, Fax: 0370-2291774, Website: [www.nlsic.gov.in](http://www.nlsic.gov.in)**

No. NIC/Appeal-8/2015-16

Dated Kohima, the 8<sup>th</sup> May, 2015.

**Subject: Notice for Hearing on 3<sup>rd</sup> June, 2015 (Wednesday) at 2:30 PM.**

WHEREAS under Section 19 of the Right to Information Act, 2005, the Nagaland Information Commission had on 21.04.2015 received a second appeal dated 07.04.2015 from L. Haolai, DC(G), Zotlang BSF Camp, Lunglei, Mizoram - 796691, Mobile No. 9436824524, stating that in response to his RTI application dated 13.10.2014, the District Administration, Dimapur had deliberately not only delayed but also provided incomplete, irrelevant, false and unsatisfactory reply, and had further demanded compensation and punishment as per under the RTI Act, 2005.

AND WHEREAS, further the above applicant had, in his second appeal dated 07.04.2015 before this Commission, questioned:-

- i. the reply of the SDO(C) & APIO, DC Office, Dimapur that as to how the District Administration had approved the membership of Shri. Thangngul Khongsai as the Chairman of the Phaipijang Village Council when the Nagaland Village Council Act, 1978 under Section 16(6) clearly states '..... a person shall be disqualified from being selected as member of a VC if he is a salaried Govt. servant'.
- ii. the reply of the SDO(C) & APIO, DC Office, Dimapur that 'VCM are duly appointed by Govt.', whereas the Nagaland Village Council Act, 1978 under Section (4) states '..... a VC shall consist of members chosen by villagers'. When had the Government of Nagaland started 'duly appointing villages council members'?
- iii. the reply of the SDO(C) & APIO, DC Office, Dimapur that records **could not be traced out**, which is not even five (5) years old?
- iv. On asking the Matric Pass Certificate of Thangngul Khongsai, UDA/Rev of DC Office, Dimapur, the SDO(C) & APIO, DC Office, Dimapur had deliberately avoided providing him the information. Further, to an earlier application, the SDO(C) & APIO, DC Office, Dimapur had, vide letter No. RTI/DC-Dmpr/Thangngul/700 dated 28.11.2014 provided with an irrelevant document.

AND WHEREAS, the above applicant had earlier submitted an RTI application No. DC(G)/LLI/Req Docs//2014/660 dated **13.10.2014**, addressed to the PIO (RTI), Addl. Deputy Commissioner, Dimapur, Nagaland seeking the following information:-

1. *What is the punishment for a State Govt. servant who wilfully nominate and influence the villagers to elect him as chairman of village council?*
2. *Had the District Administration approved the election of Thangngul Khongsai, UDA/Revenue of DC Office as Chairman of Phaipijang village? If so, on what ground? The approval order alongwith the notings by the concerned authority may be provided to me.*

3. *What is the maximum educational qualification claimed by Thangngul Khongsai in his service record. The duplicate marksheet and the pass certificates may be provided to me.*

AND WHEREAS, there is no record of payment of the prescribed application fee of Rs. 10/-. However, the above applicant had mentioned that the required amount for providing the information would be paid on intimation.

AND WHEREAS, on receipt of the above RTI application dated 13.10.2014, Shri. Anoka H. Assumi, SDO(C) & APIO, Office of the Deputy Commissioner, Dimapur had, vide letter No. RTI-3/2014-D/9061 dated **13.11.2014** replied to the applicant stating that since the application fee was not paid, no information could be provided, and had also requested to pay as per RTI Fee Rules, either in cash against receipt/demand draft/banker's cheque so that the requirement could be fulfilled on time.

AND WHEREAS, the applicant had, vide No. DC(G)/LLI/Req Docs//2014 dated **20.11.2014** preferred a first appeal addressed to the Deputy Commissioner, Appellate Authority & Principal Officer(RTI), DC Office, Dimapur, Nagaland stating that he had not received any information to his letter No. DC(G)/LLI/Req Docs//2014/660 dated 13.10.2014, and assured that he shall pay for the cost of providing the information.

AND WHEREAS, again, Shri. Anoka H. Assumi, SDO(C) & APIO, Office of the Deputy Commissioner, Dimapur, Nagaland had, vide letter No. RTI-3/2014-D/9845 dated **10.12.2014** wrote to the applicant stating that since the application fee was not paid, no information could be provided. And had also requested to pay as per RTI Fee Rules, either in cash against receipt/demand draft/banker's cheque so that the requirement could be fulfilled on time.

AND WHEREAS, the applicant had filed another RTI application dated **28.11.2014**, addressed to the State PIO, Addl. Deputy Commissioner, DC Office, Dimapur, Nagaland seeking **the same information** relating to election to village council chairman and educational qualification of Thangngul Khongsai.

- i. *What is the punishment for a State Govt. servant who wilfully nominate and influence the villagers to elect him as chairman of village council?*
- ii. *Had the District Administration approved the election of Thangngul Khongsai, UDA/Revenue of DC Office as Chairman of Phaipijang village? If so, on what ground? The approval order alongwith the notings by the concerned authority may be provided to me.*
- iii. *What is the maximum educational qualification claimed by Thangngul Khongsai in his service record. The duplicate marksheet and the pass certificates may be provided to me.*

The applicant had stated that the period for the above query No. (i) requested was for **2011 -14**, and that the information shall be collected in person.

AND WHEREAS, the above applicant had also stated that the actual postal charges shall be included in providing the information for which an P.O for Rs. 10/- towards was attached, however, no proof of such payment was found enclosed. The applicant also stated that the application fee will be deposited as soon as the amount is intimated.

AND WHEREAS, Smti. Elizabeth Ngully, ADC & PIO, Office of the Deputy Commissioner, Dimapur, Nagaland had, vide letter No. RTI-3/2014-D/10884 dated **21.01.2015** replied to the applicant stating that the RTI application was received on **17.11.2014** and the information sought was being furnished by enclosing a reply from the General Branch & Est. Branch, Office of the Deputy Commissioner, Dimapur, Nagaland and had enclosed the following:-

i) a copy of the letter No. GEN-28/RTI/2013-D/10620 dated **16.01.2015** issued by Shri. Moa Sangtam, SDO(C), Office of the Deputy Commissioner, Dimapur, Nagaland forwarding the reply to the RTI application of Shri. Laljatong Haolai to the SDO(C) & APIO, Office of the Deputy Commissioner, Dimapur, Nagaland referring to the letter No. RTI-3/2014-D/10446-48 dated 09.01.2015 stating as follows:-

***Reply to Query No. 1:** As per the Nagaland Village and Tribal Councils Act, 1978, there is no directive that calls for punishment to a State Government servant.*

***Reply to Query No. 2:** The approval of the election of a village council chairman is not the prerogative of the District Administration. The village council members duly appointed by the Government select the Chairman from amongst them. However, the approval order in this particular case **cannot be traced out** from the office records.*

(ii) And a photocopy of Service Book wherein the educational qualification of Shri. L. Thangkhongul Khongsai was recorded was enclosed.

AND WHEREAS, the applicant had filed another RTI application dated **08.02.2015**, addressed to the State PIO, Addl. Deputy Commissioner, DC Office, Dimapur, Nagaland seeking the similar information relating to election to village council chairman and educational qualification of Thangngul Khongsai and Thangtong Khongsai.

- i. *Did the District Administration approved the election and formation of present Phaipijang village council members (especially appointment of Thangtong Khongsai, a Surveyor of Land Records Office at Dimapur as GB and Thangngul Khongsai, UDA/Revenue of DC Office as Chairman of Phaipijang village)? If so, on what ground? The approval order alongwith the notings by the concerned authority may be provided to me. If not, why?*
- ii. *What is the maximum educational qualification claimed by Thangngul Khongsai, UDA/Revenue of DC Office and Thangtong Khongsai, a Surveyor of Land Records Office at Dimapur in their Service Record? Photostats mark sheets, pass certificates, Registration cards, Admit Cards and others that claims of their educational qualification of Matric, PU, BA etc. may be provided to me.*

The period for query No. (i) requested was for **2011 -15**.

AND WHEREAS, the applicant had mentioned that an IPO for Rs. 10/- towards the application fee was enclosed, however, no proof of such payment was found enclosed.

AND WHEREAS, the applicant had again filed first appeal dated **10.02.2015** addressed to the Appellate Authority, Deputy Commissioner, Dimapur, Nagaland stating that response received was not satisfied.

AND WHEREAS, Shri. P. James Swu, SDO(C) & APIO, Office of the Deputy Commissioner, Dimapur, Nagaland had, vide letter No. RTI-1/2015-D/23875 dated **11.03.2015** wrote to the applicant stating that the information sought was being furnished by enclosing a reply from the General Branch & Est. Branch, Office of the Deputy Commissioner, Dimapur, Nagaland and had enclosed the following:-

- i. a copy of the letter No. DCD/ESTT-1/RTI-1/2013-D/23856 dated **11.03.2015** written by Smti. Temjensangla, SDO(C), Hq, Office of the Deputy Commissioner, Dimapur, Nagaland to the SDO(C) & APIO, Office of the Deputy Commissioner, Dimapur, Nagaland forwarding the educational qualification certificate in respect of Shri. L. Thangkhongul Khongsai alongwith NBSE Admit Card, HSLC Mark Sheet and Marksheet of P.U (Arts).
- ii. a copy of the letter No. GEN-28/RTI/2013-D/23772 dated **10.03.2015** written by Shri. Moa Sangtam, SDO(C), Office of the Deputy Commissioner, Dimapur, Nagaland forwarding the reply **to Sl. No. 1** of the RTI application of Shri. Laljatong Haolai to the SDO(C) & APIO, Office of the Deputy Commissioner, Dimapur, Nagaland referring to the letter No. RTI-1/2015-D/12330-32 dated 24.02.2015 stating as follows:-

***Reply to Query No. 1:** The approval of the election of a village council chairman is not the prerogative of the District Administration. The village council members duly appointed by the Government select the Chairman from amongst them. However, the approval order in this particular case **cannot be traced out** from the office records.*

AND WHEREAS, it is observed that the above applicant(now appellant) had filed three (3) RTI applications dated 13.10.2014, 28.11.2014 and 08.02.2015, and that the applicant(now appellant) had in his second appeal dated 07.04.2015 before this Commission stated that the District Administration, Dimapur had deliberately not only delayed but also provided incomplete, irrelevant, false and unsatisfactory reply, and had also demanded compensation and punishment as per under the RTI Act, 2005; and further that there were neither any responses to the first appeals dated 20.11.2014 and 10.02.2015 nor any records of hearing of the first appeals, the Commission has decided to hear the appeal, giving opportunity to the parties on **3<sup>rd</sup> June, 2015 (Wednesday) at 2:30 PM.** in the **Hearing Room of the Nagaland Information Commission, Old Secretariat Complex, Kohima.**

NOW THEREFORE, it is notified that the following concerned 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. Shri. Kesonyu Yhome, IAS, Deputy Commissioner & FAA, Office of the Deputy Commissioner, Dimapur, Nagaland;
- ii. Smti. Elizabeth Ngully, Addl. Deputy Commissioner & PIO, Office of the Deputy Commissioner, Dimapur, Nagaland;
- iii. Shri. Anoka H. Assumi, SDO(C) & APIO, Office of the Deputy Commissioner, Dimapur, Nagaland

- iv. Shri. P. James Swu, SDO(C) & APIO, Office of the Deputy Commissioner, Dimapur, Nagaland;
- v. Shri. Moa Sangtam, SDO(C), Office of the Deputy Commissioner, Dimapur, Nagaland;
- vi. Smti. Temjensangla, SDO(C), Hq, Office of the Deputy Commissioner, Dimapur, Nagaland;
- vii. The applicant(now appellant), L. Haolai, DC(G), Zotlang BSF Camp, Lunglei, Mizoram - 796691, Mobile No. 9436824524.

**Sd/-**

**KEVININO P. MERU**

Chief Information Commissioner

Dated Kohima, the 8<sup>th</sup> May, 2015.

No. NIC/Appeal-8/2015-16

Copy to:-

1. The P.P.S to the Chief Information Commissioner, Nagaland Information Commission for kind information of the CIC.
2. The P.A to the State Information Commissioner, Nagaland Information Commission for kind information of the SIC.
3. Shri. Kesonyu Yhome, IAS, Deputy Commissioner & FAA, Office of the Deputy Commissioner, Dimapur, Nagaland;
4. Smti. Elizabeth Ngully, Addl. Deputy Commissioner & PIO, Office of the Deputy Commissioner, Dimapur, Nagaland;
5. Shri. Anoka H. Assumi, SDO(C) & APIO, Office of the Deputy Commissioner, Dimapur, Nagaland
6. Shri. P. James Swu, SDO(C) & APIO, Office of the Deputy Commissioner, Dimapur, Nagaland;
7. Shri. Moa Sangtam, SDO(C), Office of the Deputy Commissioner, Dimapur, Nagaland;
8. Smti. Temjensangla, SDO(C), Hq, Office of the Deputy Commissioner, Dimapur, Nagaland;
9. The applicant(now appellant), L. Haolai, DC(G), Zotlang BSF Camp, Lunglei, Mizoram - 796691, Mobile No. 9436824524.
10. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
11. Office Copy.

**(WORHONTHUNG EZUNG)**

Under Secretary