

NAGALAND INFORMATION COMMISSION
OLD SECRETARIAT COMPLEX,
POST BOX NO. 148
NAGALAND
KOHIMA – 797001

No. NIC/Compln-10/2008

Dated Kohima, the 6th February, 2008

APPELLANT : Mrs. Z. Ate Loucü,
C/o Pentecostal Church, Lengrijan,
Opp. Cambridge School, Dimapur,
Nagaland, 797112

RESPONDENT : 1. Chief Secretary's Office, Nagaland
PUBLIC AUTHORITY : 2. Deputy Commissioner, Dimapur,
Nagaland.
3. Deputy Commissioner, Kohima,
Nagaland

DATE OF HEARING - 6.2.2008

FACTS

The appellant Smti. Z. Ate Loucü, C/o Pentecostal Church, Lengrijan, Opp. Cambridge School, Dimapur, submitted an application under RTI dated 23.7.2007 addressed to the Public Information Officer, C/o Chief Secretary, Nagaland asking for copy of the affidavit registered in the Court of 1st Class Magistrate, Kohima, Nagaland. The Office of the Chief Secretary Nagaland, on receipt of the Speed Post letter on 26.7.2007 instructed the Post Office to deliver the same to State Chief Information Commissioner, Nagaland, which was delivered to this Commission on 30.7.2007. The Commission sent the application with enclosures including fees to the Chief Secretary Nagaland on 30.7.2007 for disposal by the Public Information Officer of Chief Secretary's Office, Nagaland or to have the same transferred to the appropriate Public Authority under Section 6(3) of the RTI Act 2005, with information to the applicant. The Deputy Secretary, Office of the Chief Secretary Nagaland, Shri T. Semy, who was subsequently designated as the Public Information Officer (PIO), sent the application with enclosures in original to the Deputy Commissioner, Dimapur to take necessary action under RTI Act 2005, with intimation to the applicant. The Deputy Commissioner, Dimapur on 24.8.2007 wrote to the Deputy Commissioner Kohima, with the original application and enclosures, to provide the information as sought by Smti. Z. Ate Loucü.

The Commission received a complaint on 8.1.2008 under Section 18(1) of the RTI Act 2005 from the applicant dated 24.11.2007, for non disclosure of the information sought and praying for the information within 7 days to be furnished by concerned Public Information Officer. The Commission took up the complaint under Section 18 (1) of the Act and issued notice to the Respondent Public Authorities to appear before the Commission at 1130 hrs. on 6.2.2008.

The Complainant and Respondent Public Authorities

1. Smti. Z. Ate Loucü, C/o Pentecostal Church, Lengrijan, Opp. Cambridge School, Dimapur, Nagaland – 797112.
2. Shri T. Semy, Public Information Officer (PIO) Office of the Chief Secretary Nagaland, Kohima.
3. Shri Abhijit Sinha IAS, Deputy Commissioner, Dimapur, Nagaland.
4. Shri Sachopra Vero, Deputy Commissioner, Kohima, Nagaland.

appeared.

Smti. Z. Ate Loucü stated that she had not received the information sought till date nor had she been informed about the same by anyone, except copies of correspondences referred to above endorsed to her.

Shri T. Semy, Deputy Secretary and now Public Information Officer, Office of the Chief Secretary Nagaland, submitted that the application vide direction of Chief Information Commissioner, Nagaland dated 30.7.2007 was received before he was designated as Public Information Officer, hence he had, as Deputy Secretary, transferred it to Deputy Commissioner, Dimapur.

Shri Abhijit Sinha, Deputy Commissioner, Dimapur stated that the original application on transfer was received in his office on 7.8.2007 and that the same was sent to Deputy Commissioner Kohima vide their letter dated 24.8.2007.

Shri Sachopra Vero Deputy Commissioner, Kohima accompanied by Shri Dinesh Kumar Additional Deputy Commissioner, Kohima submitted that the letter of Deputy Commissioner, Dimapur dated 24.8.2007 under reference was not received in his office till date. However on receipt of a photo copy of the letter of Deputy Commissioner, Dimapur dated 24.8.2007 from Chief Information Commissioner, Nagaland vide Notice dated 25.2.2008, they had written on 5.2.2008 to the complainant directing her to seek the information from the Additional Deputy Commissioner (Judicial) Kohima.

The Commission took note of the above submissions. Before passing any order, it is considered necessary to have the following information and hence the Commission direct as follows.

1. The Deputy Commissioner, Dimapur is directed to intimate to the Commission within 10 working days how and on which date their letter of 24.8.2007 was sent to the Deputy Commissioner, Kohima along with a photo copy of the dispatch register/peon book for dispatch of the same.
2. The Deputy Commissioner, Kohima is directed to transfer the RTI application dated 23.7.2007 with enclosures as per provision of Section 6(3) of the RTI Act, instead of writing to the applicant (now complainant) to approach another Public Authority as in his letter of 5.2.2008. If the original is not traceable, photocopy, as received from this Commission is to be transferred.

3. Deputy Commissioner , Dimapur and Deputy Commissioner Kohima are directed to locate the original Postal Order depositing the requisite fees for the RTI application and intimate to the Commission in whose custody the same lies or whether the same has been deposited under the appropriate Head of Account as prescribed under the rules notified by Government. Each Deputy Commissioner will independently intimate to the Commission within 10 working days.

Pronounced in open proceedings today 6.2.2008.

Copies be given to the parties.

Sd/-

P. TALITEMJEN AO
Chief information Commissioner,
Nagaland

Sd/-

REV.DR. W. PONGSING KONYAK
State Information Commissioner,
Nagaland

Sd/-

DR. KUHOI K ZHIMOMI
State Information Commissioner,
Nagaland.

Authenticated

(**ADINO**)

Sr. P.S. to Chief Information Commissioner,
Nagaland.