

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/Complaint-7/2014-15

Dated Kohima, the 12th December, 2014.

Complainant: Shri. T. David Ngullie,
EBC Campus,
Bank Colony,
Post Box 29,
Super market,
Dimapur, Nagaland,
Mobile No. 9436018960

Respondents: 1. Shri. O. K. Temjen, OSD & PIO,
Department of Geology & Mining,
Government of Nagaland,
Nagaland Civil Secretariat,
Nagaland, Kohima.

2. Shri. E. Kikon,
Additional Director & PIO,
Directorate of Geology & Mining,
Nagaland, Dimapur.

Public Authority: Geology & Mining, Nagaland, Kohima.

Date of Hearing : 12.12.2014 (Friday) at 1:30 PM.

Date of Decision : 12.12.2014

Present:

1. Smti. Tokheli Pucho, Geologist & APIO, Geology & Mining, Nagaland, Dimapur had represented Shri. E. Kikon, Additional Director & PIO, Directorate of Geology & Mining, Nagaland, Dimapur.
2. The applicant(now complainant), Shri. T. David Ngullie, EBC Campus, Bank Colony, Post Box 29, Super market, Dimapur, Nagaland, Mobile No. 9436018960.
3. Shri. O. K. Temjen, OSD & PIO, Department of Geology & Mining, Government of Nagaland, Nagaland Civil Secretariat, Kohima, Mobile No. 9436261720, **did not appear** for the hearing.

FACT OF THE CASE:

An applicant, Shri. T. David Ngullie, EBC Campus, Bank Colony, Post Box 29, Super market, Dimapur, Nagaland, Mobile No. 9436018960, had submitted an RTI application dated 19.06.2014, addressed to the PIO, Director of Geology & Mining, Government of Nagaland, Kohima, alongwith the prescribed fee of Rs. 10/- (Rupees ten only) requesting for information and Certified True Copies of all the documents on the following queries:-

1. Please give Specific reasons as to why only 16% to (Land Owners and Government of Nagaland) and 84% to M/S Metropolitan Oil and Gas Private Limited?
2. Please specify what is the experience of M/S Metropolitan Oil and Gas Private Limited in oil exploration.
3. Please furnish us certified true copy of the Act/Rules for Oil and Natural Gas Exploration in Nagaland.

On receipt of the above RTI application dated 19.06.2014, Shri. E. Kikon, Additional Director & PIO, Directorate of Geology & Mining, Nagaland, Dimapur had, vide letter No. DGM/RTI/ACT/2005/1093-94 dated 23.06.2014 re-directed the above RTI application to the PIO, Department of Geology & Mining, Government of Nagaland, Kohima and with a copy to

the applicant, requesting the Department to furnish the information to the applicant from their end.

However, since there was no response from the PIO, Department of Geology & Mining, Government of Nagaland, Nagaland Civil Secretariat, Kohima till date, the applicant(now complainant) had under Section 18 of the Right to Information Act, 2005, submitted a complaint dated 17.09.2014 before this Commission stating that the PIO, Department of Geology & Mining had denied the information sought on the ground that the staff dealing with RTI has been transferred. Further, more time was sought and have waited for the reply, however, the information have not been furnished till date.

And since, no information have been furnished till date, the Commission had decided to hear the complaint, giving opportunity to the parties, on **12th December, 2014 (Friday) at 1:30 PM** in the **Hearing Room of the Nagaland Information Commission, Old Secretariat Complex, Kohima.**

However, the hearing which was earlier scheduled on **12th December, 2014 (Friday) at 1:30 PM.** was now preponed to **12:30 PM** on the same day i.e. **12th December, 2014 (Friday).**

OBSERVATIONS AND FINDINGS:

The Commission had received and accepted the request of Shri. E. Kikon, Additional Director & PIO, Directorate of Geology & Mining, Nagaland, Dimapur for his inability to attend the hearing and also his request of admitting Smti. Tokheli Pucho, Geologist & APIO, Geology & Mining, Nagaland, Dimapur to represent him.

The Director & FAA, Directorate of Geology & Mining, Nagaland, Dimapur had, vide letter No. DGM/RTI/ACT/2005/1198 dated 21.08.2014 reminded the PIO, Geology & Mining Department, Nagaland, Kohima to furnish the information to the applicant from his end.

In response, L. Adaha Neikha, Under Secretary & APIO, Geology & Mining Department, Nagaland, Kohima had, vide letter No. GM-19/GEN-30/2013 dated 05.09.2014 forwarded the information to the Director & FAA, Directorate of Geology & Mining, Nagaland, Dimapur to be furnished to the applicant, which the Directorate of Geology & Mining, Nagaland, Dimapur received the information on 17.09.2014. The applicant had received it on **19.09.2014.** However, the Commission pointed out that only the PIO is authorised to furnish information under the RTI Act.

The Commission had observed that the PIO, Directorate of Geology & Mining, Dimapur had on 23.06.2014 promptly acted on the RTI application by transferring it to the concerned PIO, Geology & Mining Department, Nagaland, Kohima within 4 days of receipt on 19-06-2014.

Shri. O. K. Temjen, OSD & PIO, Department of Geology & Mining, Government of Nagaland, Nagaland Civil Secretariat, Kohima, Mobile No. 9436261720 **did not appear** for the hearing without any prior intimation to the Commission. On the day of the hearing, in spite of several telephonic calls, there was no response, which the Commission expressed great displeasure and took serious view.

During the hearing held on 12.12.2014 at 12:30 PM, the applicant submitted that due to transfer and posting of the PIO in the Department of Geology & Mining, Kohima, he had to wait for a few months.

The applicant submitted that he had received the information on 19.09.2014 only after he had submitted his complaint to the Commission on 17.09.2014. However, he was **not satisfied** with the reply to his **query Nos. 1 and 2** of his RTI application dated 19.06.2014. Therefore, the Commission directed the applicant to write another letter of complaint regarding his dissatisfaction, since his present complaint was received before the non-receipt of the information.

During the hearing, Smti. Tokheli Pucho, Geologist & APIO, Geology & Mining, Nagaland, Dimapur who represented Shri. E. Kikon, Additional Director & PIO, Directorate of Geology & Mining, Nagaland, Dimapur submitted that matters relating to the Natural Petroleum

and Gas Exploration in Nagaland is solely dealt by the Government and that the Directorate of Geology & Mining has no hand or knowledge.

And in the absence of Shri. O. K. Temjen, OSD & PIO, Department of Geology & Mining, Government of Nagaland, Nagaland Civil Secretariat, Kohima, Mobile No. 9436261720, the Commission could not proceed with the hearing and hence reserved its decision and decided to hear the complaint case in the next hearing, which shall be intimated later.

DECISION

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

1. Shri. O. K. Temjen, OSD & PIO, Department of Geology & Mining, Government of Nagaland, Nagaland Civil Secretariat, Kohima, Mobile No. 9436261720 shall submit an explanation to the Commission, citing the reasons for failure to appear before the Commission during the hearing without any prior intimation or reasons latest by **19.12.2014 positively.**
2. The applicant shall submit another letter of complaint regarding his dissatisfaction and the grounds of non-satisfaction, since his present complaint was before the non-receipt of the information.

The Commission reserved its decision and decided to hear the complaint case in the next hearing, which shall be intimated later.

Complaint heard in the presence of all parties present on 12.12.2014.

Copy be given to the parties:

1. Shri. O. K. Temjen, OSD & PIO, Department of Geology & Mining, Government of Nagaland, Nagaland Civil Secretariat, Kohima, Mobile No. 9436261720.
2. Shri. E. Kikon, Additional Director & PIO, Directorate of Geology & Mining, Nagaland, Dimapur.
3. The applicant(now complainant), Shri. T. David Ngullie, EBC Campus, Bank Colony, Post Box 29, Super market, Dimapur, Nagaland, Mobile No. 9436018960.
4. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
5. Office Copy.

(KEVININO P. MERU)
Chief Information Commissioner

(BUKCHEM PHOM)
State Information Commissioner