

## NAGALAND INFORMATION COMMISSION

Below Raj Bhawan,  
Officers' Hill Colony,  
Post Box No. 148  
Nagaland, Kohima - 797001.

Tel: 0370-2242398, Fax: 0370-2242368, Website: [www.nlsic.nagaland.gov.in](http://www.nlsic.nagaland.gov.in)



No. NIC/Complaint-11/2015-16

Dated Kohima, the 12<sup>th</sup> September, 2017.

Complainants : (i) Shri. H. Sema and (ii) Shri. L. Lotha,  
C. L. Law & Associates,  
Lotha Hoho Ki,  
DC Court Junction,  
Dimapur, Nagaland,  
Mobile No. 9436267648

Respondent : The concerned PIO,  
Municipal Affairs Cell, Urban Development,  
Nagaland Secretariat, Nagaland, Kohima.

Public Authority : Municipal Affairs Cell, Urban Development,  
Nagaland Secretariat, Nagaland, Kohima.

Date of hearing : 26.04.2016 at 2:00 PM.  
Date of Decision : 09.05.2016.

Date of second hearing : 25.10.2016 at 11:00 AM.  
Date of second Decision : 28.10.2016.

Date of third hearing : 07.09.2017 at 12:30 PM.  
Date of third Decision : 12.09.2017.

Present:

Shri. Yanrenthung, Secretariat Assistant, Municipal Affairs Department, Nagaland Secretariat, Nagaland, Kohima, Mobile No. 8575668387.

The following did not appear:-

- i. Shri. Sentiyanger Pongen, Under Secretary & former PIO (and now APIO), Municipal Affairs Department, Nagaland Secretariat, Nagaland, Kohima, Mobile No. 9856881811.
- ii. The concerned PIO, Directorate of Municipal Affairs, Nagaland, Kohima.
- iii. The applicants (now complainants), Shri. H. Sema and Shri. L. Lotha.
- iv. Shri. Renpon Lotha, Legal Representative of the applicants (now complainants), Shri. H. Sema and Shri. L. Lotha, C. L. Law & Associates, Lotha Hoho Ki, DC Court Junction, Dimapur, Nagaland, Mobile No. 9436267648.

### **FACT OF THE CASE**

After the hearing the complaint dated 25.02.2016 submitted by the applicants (now complainants) on 25.10.2016 at 11:00 AM., the Commission had passed decision vide even No. dated 28.10.2016 wherein Shri. Sentiyanger Pongen, Under Secretary & PIO, Municipal Affairs Department, Nagaland Secretariat, Nagaland, Kohima was directed to furnish the information relating to the RTI application dated NIL which was received on 11.12.2015 by Shri. Yanrenthung, Secretariat Assistant, to the applicants (now complainants) and with a copy to this Commission **within two (2) weeks** from the date of receipt of the Commission's Decision.

And in compliance to the **Point No. 1** of the decision of the Commission dated 28.10.2016, Shri. Sentiyanger Pongen, Under Secretary & PIO, Municipal Affairs Department, Nagaland Civil Secretariat, Nagaland, Kohima had, vide letter No. MA-81/2015 dated 25.11.2016 furnished the information to the applicants (now complainants) with a request to confirm satisfaction or non-satisfaction **within two (2) weeks** from the date of receipt of the information.

However, there was no compliance till date to the **Point No. 2** of the decision of the Commission dated 28.10.2016, regarding confirmation of satisfaction or non-satisfaction of the information from the applicants (now complainants).

The Commission has decided to hear the case again on **7<sup>th</sup> September, 2017 (Thursday) at 12:30 P.M.** and also directed to **bring the files and relevant documents** in question for scrutiny on the above date and time for hearing.

### **OBSERVATIONS AND FINDINGS:**

The Commission informed that the Old Secretariat Complex wherein many offices and establishments including the Nagaland Information Commission were located was completely destroyed by fire on 02.02.2017 during the public unrest in connection with the issue of the ULB (Urban Local Bodies) elections, and no items and properties such as office files, case files, documents, records, IT equipments and office furniture etc. could be retrieved. And with no office building, the Commission had to function from the out-house of the official quarter of the State Information Commissioner at Agri Farm Colony on a stop-gap arrangement basis till an alternative office accommodation was allotted.

On the request of the Commission, the public authority had submitted copies of all correspondences, documents and records relating to the case for reconstruction of the case file, and the process of which could be completed only after shifting of the office to a new location around the 1<sup>st</sup> week of August 2017.

It was informed that the applicants (now complainants) were satisfied with the information so received from the PIO and that they have no further interest to pursue the matter since the government had already taken action.

Shri. Sentianger Pongen, Under Secretary & former PIO (now APIO), Municipal Affairs Department, Nagaland Secretariat, Nagaland, Kohima did not appear for the hearing but had submitted a letter dated 06.09.2017 stating his inability to attend the hearing which was produced before the Commission only at the time of hearing on 07.09.2017. However, since the Commission had received the letter only at the time of the hearing even though the Notice for the hearing issued on 31.08.2017 was received by the public authority on **01.09.2017** as evidenced in the Peon Book of the Nagaland Information Commission, his request was not accepted and the hearing was held as scheduled. The Commission observed that sufficient prior information regarding his inability to attend the hearing should have been given well in advance so as to enable the Commission decide rescheduling the date of hearing.

The concerned PIO of the Directorate of Municipal Affairs to whom the RTI application was said to have transferred also did not appear for the hearing without any prior intimation to the Commission inspite of having received the Notice for hearing dated 31.08.2017 on **01.09.2017** as evidenced in the Peon Book of the Nagaland Information Commission.

During the hearing, Shri. Yanrenthung, Secretariat Assistant had submitted that he had received the RTI application dated NIL, however, he was not sure **when** and **to whom** he had given the RTI application.

The Commission observed that the hearing could not be continued since in the absence of the present and former PIOs and APIOs in the hearing, the delay in furnishing the information and the persons contributing to the delay could not be determined.

### **DECISION:**

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

1. Shri. Sentianger Pongen, Under Secretary & former PIO (and now APIO), Municipal Affairs Department, Nagaland Secretariat, Nagaland, Kohima shall submit an **explanation** to the Commission for not giving sufficient prior information and for the failure to appear before the Commission for the hearing **within two (2) weeks** from the date of receipt of this Commission's Decision.
2. the concerned PIO of the Directorate of Municipal Affairs shall also explain for the failure to appear before the Commission for the hearing on 07.09.2017 inspite of having received

the Notice for hearing dated 31.08.2017 on **01.09.2017** as evidenced in the Peon Book of the Nagaland Information Commission **within two (2) weeks** from the date of receipt of the Commission's Decision.

3. in order to ascertain the delay in furnishing the information and to fix responsibility for contributing to the delay, the Commission shall hear again the complaint case in the presence of the former and present PIOs and APIOs, concerned PIO of the Directorate of Municipal Affairs and Shri. Yanrenthung, Secretariat Assistant in the next hearing which shall be notified later.

Decision pronounced in the presence of the respondent only on 07.09.2017.

Copy to:-

1. The former PIO, Smti. Obangla Jamir, Joint Secretary, Municipal Affairs Department, Nagaland, Kohima, Mobile No. 9436005524.
2. Shri. Sentianger Pongen, Under Secretary & former PIO (now APIO), Municipal Affairs Department, Nagaland Secretariat, Nagaland, Kohima, Mobile No. 9856881811.
3. The concerned PIO, Directorate of Municipal Affairs, Nagaland, Kohima.
4. Shri. Yanrenthung, Secretariat Assistant, Municipal Affairs Department, Nagaland Secretariat, Nagaland, Kohima, Mobile No. 8575668387.
5. The applicants (now complainants), Shri. H. Sema and Shri. L. Lotha, C. L. Law & Associates, Lotha Hoho Ki, DC Court Junction, Dimapur, Nagaland, Mobile No. 9436267648.
6. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
7. Office Copy.

**Sd/-**  
**TOSHI AIER, IAS (Retd.)**  
Chief Information Commissioner

**Sd/-**  
**CHANBEMO LOTHIA**  
State Information Commissioner

**Sd/-**  
**KEVIZATUO MIACHIEO**  
State Information Commissioner

Authenticated true copy:-

**(WORHONTHUNG EZUNG)**  
Secretary