

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-11/2015-16

Dated Kohima, the 28th October, 2016.

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 Department,
Nagaland Secretariat,
Nagaland, Kohima.

Public Authority : Municipal Affairs Department,
Nagaland Secretariat,
Nagaland, Kohima.

Date of first hearing : 26.04.2016 at 2:00 PM.

Date of first Decision : 09.05.2016.

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

Date of second Decision : 28.10.2016.

Present:

- i. Shri. Sentiyaner Pongen, Under Secretary & PIO, Municipal Affairs Department, Nagaland Secretariat, Nagaland, Kohima, Mobile No. 9856881811.

The following did not appear:-

- ii. The applicants (now complainants), Shri. H.Sema and Shri. L.Lotha.
- iii. 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

The Nagaland Information Commission had, on 26.04.2016 at 2:00 P.M heard the complaint dated 25.02.1026 submitted by Shri. H. Sema and Shri. L. Lotha, C. L. Law & Associates, Lotha Hoho Ki, DC Court Junction, Dimapur, Nagaland, Mobile No. 9436267648 against the non response of the PIO, Municipal Affairs Cell, Urban Development, Nagaland Secretariat, Kohima to their RTI application dated NIL which was submitted on 11.12.2015. After the hearing, the Commission had passed decision vide even No. dated 09.05.2016 wherein Shri. Sentiyaner Pongen, Under Secretary & PIO, Municipal Affairs Department, Nagaland Secretariat, Nagaland, Kohima was directed to furnish the information 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.

In compliance to the **Point No. 1** of the decision of the Commission dated 09.05.2016, Shri. Sentiyaner Pongen, Under Secretary & PIO, Municipal Affairs Department, Nagaland Civil Secretariat, Nagaland, Kohima had, vide letter No. MA-81/2015 dated **18.05.2016** submitted the chronological order as to how the RTI application was processed and transferred. However, on scrutiny of the above submission, it was observed that the RTI application which was processed and transferred by the public authority was different from the one submitted by the applicants (now complainants).

Also, in compliance to the **Point No. 2** of the decision of the Commission dated 09.05.2016, Shri. Sentiyaner Pongen, Under Secretary & PIO, Municipal Affairs Department, Nagaland Civil

Secretariat, Nagaland, Kohima had submitted to the Commission, copies of the information furnished to the applicants (now complainants).

The Commission had, vide directive of even No. dated 04.06.2016 directed the Under Secretary & PIO, Municipal Affairs Department to ascertain the satisfaction of the applicants (now complainants) regarding the information so furnished to them and accordingly inform the Commission **within two (2) weeks** from the date of receipt of the directive.

In compliance to the directive of the Commission dated 04.06.2016, the Under Secretary & PIO, Municipal Affairs Department had, vide letter No. MA-81/2015 dated **09.06.2016** wrote to the applicants (now complainants) to confirm their satisfaction or non-satisfaction of the information so furnished to them within one week for onward information to the Commission.

However, on not getting any response from the Under Secretary & PIO, Municipal Affairs Department or from the applicants (now complainants), the Commission had, vide letter of even No. dated **16.07.2016** reminded the Under Secretary & PIO, Municipal Affairs Department to once again confirm satisfaction or non-satisfaction of the information from the applicants (now complainants) at an early date to enable the Commission in closing the case.

Further, still on not getting any response from the Under Secretary & PIO, Municipal Affairs Department, Nagaland Civil Secretariat, Nagaland, Kohima regarding satisfaction or non-satisfaction of information furnished to the applicants (now complainants) and in order to clarify the submission of the different RTI applications, the Commission has decided to hear the case again on **25th October, 2016 (Tuesday) at 11:00 A.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:

Neither the applicants (now complainants) nor their legal representative had appeared for the hearing on 25.10.2016 at 11:00 AM. There was also no prior intimation to the Commission regarding their absence in the hearing.

During the hearing, Shri. Sentiyanger Pongen, Under Secretary & PIO, Municipal Affairs Department, Nagaland Secretariat, Nagaland, Kohima submitted that in compliance to the decision of the Commission dated 09.05.2016 he had submitted the **chronological order** as to how the RTI application was processed and transferred, and had also furnished the information to the applicants (now complainants) on 18.05.2016. The PIO had produced a copy of the receipt wherein the applicants (now complainants) had received the information on 23.05.2016. Further, in compliance to the subsequent directives of the Commission dated 04.06.2016 and 16.07.2016, he had written to the applicants (now complainants) in two occasions to confirm satisfaction or non-satisfaction of the information, however, there was no response from them till date.

On being asked by the Commission as to why the RTI application was transferred to the Directorate resulting in the delay, the PIO replied that the RTI application was transferred to the Directorate since the matters relating to the information sought are dealt by the Directorate of Municipal Affairs. However, there was no response from the Directorate till date.

In view of the submission made by the PIO that delay in furnishing of the information was due to non-receipt of information from the Directorate of Municipal Affairs, the Commission felt that the case need to be heard again in the presence of the PIO of the Directorate of Municipal Affairs and the Secretariat Assistant who had received the RTI application.

On scrutiny of the above chronological order of the RTI application processes submitted by the PIO, the Commission observed that the information sought and furnished was different from the RTI application which was submitted to the Commission by the complainants. The RTI application which was processed and transferred by the public authority was dated 27.11.2015 and was received on 30.11.2015, however, the RTI application submitted by the applicants (now complainants) in their complaint to the Commission was dated NIL and was received on 11.12.2015 by Shri. Yanrenthung, Secretariat Assistant as evidenced on the body of the application. However, the PIO stated that the RTI application dated NIL received on 11.12.2015 was never brought to his notice to process it.

DECISION:

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

1. since the complaint to the Commission was against the non-furnishing of information as per the RTI application dated NIL and that Shri. Sentiyanger Pongen, Under Secretary & PIO, Municipal Affairs Department, Nagaland Secretariat, Nagaland, Kohima had submitted that he had not received the RTI application dated NIL which was received on 11.12.2015 by Shri. Yanrenthung, Secretariat Assistant, a copy of the RTI application dated NIL be given to the PIO for furnishing the information to the applicants (now complainants) **within two (2) weeks** from the date of issue of this decision and with a copy to this Commission.
2. on receipt of the information from the Under Secretary & PIO, the applicants (now complainants) shall also submit their satisfaction to this Commission **within two (2) weeks** from the date of receipt of the information.

The case will be heard again in the presence of the PIO of the Directorate of Municipal Affairs and the Secretariat Assistant who had received the RTI application in the next hearing which shall be notified later.

Decision pronounced in the presence of the respondent only on 25.10.2016.

Copy to:-

1. Smti. Obangla Jamir, Joint Secretary, Municipal Affairs Department, Nagaland, Kohima, Mobile No. 9436005524.
2. Shri. Sentiyanger Pongen, Under Secretary & PIO, Municipal Affairs Department, Nagaland Secretariat, Nagaland, Kohima, Mobile No. 9856881811.
3. 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.
4. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
5. Office Copy.

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

Sd/-
CHANBEMO LOTH
State Information Commissioner

Authenticated true copy:-

(WORHONTHUNG EZUNG)
Secretary