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 9th May, 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 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.

Present:

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

Two applicants, Shri. H. Sema and Shri. L. Lotha, C. L. Law & Associates, Lotha Hoho Ki, DC Court Junction, Dimapur, Nagaland, Mobile No. 9436267648 had jointly submitted a complaint dated 25.02.2016 stating that there was no response to their RTI application dated NIL till date which was submitted to the PIO, Municipal Affairs Cell, Urban Development, Nagaland Secretariat, Kohima on 11.12.2015.

The above applicants had earlier submitted an RTI application dated NIL addressed to the PIO, Municipal Affairs Cell, Urban Development, Nagaland Secretariat, Kohima on **11.12.2015** alongwith the prescribed application fee of Rs. 10/- (Rupees ten only) paid in cash on 11.12.2015 seeking '*all details with regard to disciplinary action taken against the Additional Director, Municipal Affairs Cells as per Vigilance Recommendation along with copy of such order if any, and a copy of Vigilance report/recommendation relating to D.M.C'*. The period to which the information relates was from 2014 to 2015.

The RTI application dated NIL was received on **11.12.2015** by one Secretariat Assistant as evidenced on the body of the application. However, on not getting any response to their RTI application within the stipulated time frame, the applicants had preferred a complaint dated 25.02.2016 before this Commission.

The Commission has decided to hear the complaint, giving opportunity to the parties on **26th April, 2016 (Tuesday) at 2:00 PM** in the **Hearing Room of the Nagaland Information Commission**, **Old Secretariat Complex, Kohima** and also notified the parties **to bring the files and relevant documents** in question for scrutiny, on the above date and time for hearing.

OBSERVATIONS AND FINDINGS:

The Commission heard the complaint case in the presence of Shri Sentiyanger Pongen, Under Secretary and PIO, Municipal Affairs Department, Nagaland Secretariat Kohima and Shri Renpon Lotha, Legal Representative of the applicants (now complainants).

Shri. Sentiyanger Pongen, Under Secretary & PIO, Municipal Affairs Department, Nagaland Secretariat, Nagaland, Kohima informed that the Municipal Affairs Cell under the Urban Development had been declared as a separate Department namely, Municipal Affairs Department by the Government in 2015. Further, he submitted that he was in the Department for the last six (6) years and was made the PIO for about a month only. He submitted that earlier Shri. Limawapang, Deputy Secretary was the PIO and after his transfer, Smti. Obangla Jamir, Joint Secretary used to handle the RTI matters. It was not clear during whose tenure as the PIO, the RTI application dated NIL was received.

The PIO submitted that the RTI application dated NIL was received on **11.12.2015** by Shri. Yanrenthung, Secretariat Assistant. And on receipt, the RTI application was endorsed to the Directorate of Municipal Affairs Department. However, it was not known **when** and **why** the RTI application dated NIL was transferred to the Directorate.

Shri. Renpon Lotha, Legal Representative of the applicants (now complainants) submitted that he wanted only a copy of the disciplinary action taken against the Additional Director. However, till date the information was not yet received.

DECISION:

On the above observations and findings, the Commission decided that Shri. Sentiyanger Pongen, Under Secretary & PIO, Municipal Affairs Department, Nagaland Secretariat, Nagaland, Kohima shall:-

1. submit **within two (2) weeks** from the date of receipt of this Commission's Decision, the chronological order of how the above RTI application was processed and transferred.

2. furnish a copy of the information to the applicants (now complainants) and with a copy to this Commission **within two (2) weeks** from the date of receipt of this Commission's Decision.

Decision pronounced in the presence of all parties present on 26.04.2016.

Copy to:-

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

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

Sd/-
CHANBEMO LOTHA
State Information Commissioner

Authenticated true copy:-

(WORHONTHUNG EZUNG)
Secretary