

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-5/2015-16

Dated Kohima, the 9th November, 2015.

Complainant: Mr. Vijay Hansaria,
422, New Lawyers' Chamber,
Supreme Court,
New Delhi – 110 001,
Phone No. 011-23386970, Mobile No. 9810004042,
email: hansari@gmail.com

Respondent(s) : The concerned PIO,
Department of Law and Justice,
Nagaland, Kohima.

Public Authority : Department of Law and Justice, Nagaland, Kohima.

Date of hearing : 06.11.2015 at 1:00 PM.

Date of Decision : 09.11.2015.

Present:

1. Shri. Ngamjok Konyak, Joint Secretary & PIO, Department of Law and Justice, Nagaland, Kohima, Mobile No. 9436015208.
2. Shri. R. Lambert Nguillie, LDA, Department of Law and Justice, Nagaland, Kohima, Mobile No. 8575931763.

The applicant (now complainant), Mr. Vijay Hansaria, 422, New Lawyers' Chamber, Supreme Court, New Delhi – 110 001 **did not appear** for the hearing.

FACT OF THE CASE.

An applicant, Mr. Vijay Hansaria, 422, New Lawyers' Chamber, Supreme Court, New Delhi – 110001, Phone No. 011-23386970, Mobile No. 9810004042, email: hansari@gmail.com had submitted an RTI application dated **11.06.2015** addressed to the State Public Information Officer, Govt. of Nagaland, Department of Law and Justice, Old Secretariat Complex, Kohima – 797001, Nagaland, alongwith a total fee of Rs. 50 (Rupees fifty only) paid vide three (3) IPOs bearing Nos. 26F 029252 dated 23.06.2015 for Rs. 10, 05G 203855 dated 23.06.2015 for Rs. 20.00 and 05G 203856 dated 23.06.2015 for Rs. 20.00 seeking the following information regarding implementation of Rules for administration of Justice and Police in Nagaland:-

1. *Whether Rules for administration of Justice and Police in Nagaland (Third Amendment) Act, 1984 has been brought into force? If yes, kindly supply all the notifications issued under section 1(3) of the said Act.*
2. *Whether customary courts in terms of Chapter IV A of the Rules for administration of Justice and Police in Nagaland (Third Amendment) Act, 1984 have been constituted?*
3. *If customary courts have been constituted, please supply the relevant notifications constituting these courts. What type of cases these courts can try?*

4. *Whether regular courts such as courts of District Judge and Civil Judge have been constituted in the State of Nagaland? If yes, in which part of the State?*

The applicant had sent the above RTI application dated 11.06.2015 by Registered/Speed Post bearing No. RD 44001888 4IN dated **06.07.2015**.

However, on return of the **original** envelope containing his RTI application dated 11.06.2015 with an endorsement showing “**Refused**” written on **13.07.2015** on the envelope, the applicant had submitted a complaint dated NIL to this Commission stating that the information sought was not even entertained by the SPIO and that the SPIO had denied/refused access to the information sought. The applicant had enclosed the envelope in original on which endorsement showing “**Refused**” was written as **Annexure- B**, and the RTI application dated 11.06.2015 alongwith the three (3) IPOs bearing Nos. 26F 029252 dated 23.06.2015 for Rs. 10, 05G 203855 dated 23.06.2015 for Rs. 20.00 and 05G 203856 dated 23.06.2015 for Rs. 20.00 amounting to a total fee of Rs. 50 (Rupees fifty only) as **Annexure-A**.

The Commission had decided to hear the appeal, giving opportunity to all the parties, on **6th November, 2015 (Friday) at 1:00 PM** in the **Hearing Room of the Nagaland Information Commission, Old Secretariat Complex, Kohima**.

OBSERVATIONS AND FINDINGS:

The applicant (now complainant), Mr. Vijay Hansaria, 422, New Lawyers’ Chamber, Supreme Court, New Delhi – 110 001, **did not appear** for the hearing and there was no prior information or intimation to the Commission regarding his absence.

During the hearing, Shri. Ngamjok Konyak, Joint Secretary & PIO, Department of Law and Justice, Nagaland, Kohima submitted that the Department of Law and Justice is located in the **New** Secretariat Complex, Kohima – **797004**, Nagaland, however, since the letter was addressed as “**Old Secretariat Complex, Kohima – 797001, Nagaland**”, the RTI application was never received.

On the observation of the Commission that the letter was received at the post office in the New Secretariat Complex, as the postal seal stamped on the envelope showed ‘New Secretariat Complex’, the PIO submitted that no postman had approached the PIO or the APIO or for that matter, any staff of the Department with the envelope containing the RTI application from the applicant, Vijay Hansaria. Moreover, the PIO expressed willingness to furnish the information which are available with the public authority.

DECISION:

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

1. Since the Public authority had never received the RTI application, a photocopy of the envelope and the RTI application dated 11.06.2015 alongwith the three (3) IPOs (**in original**) bearing Nos. 26F 029252 dated 23.06.2015 for Rs. 10, 05G 203855 dated 23.06.2015 for Rs. 20.00 and 05G 203856 dated 23.06.2015 for Rs. 20.00 amounting to a total of Rs. 50 (Rupees fifty only) which the applicant (now complainant) had enclosed in his complaint to the Commission, shall be handed over to Shri. Ngamjok Konyak, Joint Secretary & PIO, Department of Law and Justice, Nagaland, Kohima alongwith this decision. And on receipt of the above, Shri. Ngamjok Konyak, Joint Secretary & PIO, Department of Law and Justice,

Nagaland, Kohima shall furnish the information to the applicant and with a copy to this Commission.

2. the public authority i.e the Department of Law and Justice, Nagaland, Kohima, shall constitute an internal inquiry committee to ascertain the circumstances leading to the retreating of the envelope in question with the remark on the body, '**Refused**' as the official postal seal shows 'New Secretariat Complex' and report the findings to this Commission on or before the **30th November, 2015**.

Decision pronounced in presence of the respondents only on 06.11.2015.

Copy be given to:-

1. Shri. Ngamjok Konyak, Joint Secretary & PIO, Department of Law and Justice, Nagaland, Kohima, Mobile No. 9436015208. Photocopy of the envelope and the RTI application dated 11.06.2015 alongwith the three (3) IPOs (**in original**) are hereby enclosed.
2. The applicant (now complainant), Mr. Vijay Hansaria, 422, New Lawyers' Chamber, Supreme Court, New Delhi – 110 001, Phone No. 011-23386970, Mobile No. 9810004042, email: hansari@gmail.com.
3. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
4. Office Copy.

Sd/-

KEVININO P. MERU

Chief Information Commissioner

Sd/-

BUKCHEM PHOM

State Information Commissioner

Authenticated true copy:-

(WORHONTHUNG EZUNG)

Deputy Secretary