

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-7/2016-17

Dated Kohima, the 9th December, 2016.

Complainant : Shri. Kusap Pame,
Chairman,
Old Nkio Village,
District – Peren,
Nagaland,
Mobile No. 9402810990.

Respondents : (i) Shri. Bendangkokba,
Secretary & PIO,
Home Department,
Nagaland Civil Secretariat,
Nagaland, Kohima.

(ii) Shri. K. Libanthung Lotha,
Addl. Secretary,
Home Department,
Nagaland Civil Secretariat,
Nagaland, Kohima.

Public Authority : Home Department,
Nagaland Civil Secretariat, Nagaland, Kohima.

Date of hearing : 18.11.2016 at 12:00 PM.
Date of Decision : 09.12.2016

Present:

- i) Shri. K. Libanthung Lotha, Addl. Secretary, Home Department, Nagaland, Kohima.
- ii) The applicant (now complainant), Shri. Kusap Pame, Chairman, Old Nkio Village, District – Peren, Nagaland, Mobile No. 9402810990.
- iii) The Legal representative for the applicant (now complainant), Shri. Tongpong, Advocate, Dimapur, Mobile No. 9089146178.

Shri. Bendangkokba, Secretary & PIO, Home Department, Nagaland, Kohima did not appear for the hearing.

FACT OF THE CASE

An applicant, Shri. Kusap Pame, Chairman, Old Nkio Village, District – Peren, Nagaland, Mobile No. 9402810990 had submitted an RTI application vide letter No. ONVC-RTI-A/2016 dated **07.04.2016**, addressed to the Public Information Officer, Office of the Home Commissioner, Nagaland, Kohima along with the prescribed application fee of Rs. 10/- (Rupees ten only) paid in cash requesting to furnish **certified true copy** of the following information:-

- (i) *Whether decision has been taken on the recommendation of the Commissioner, Nagaland dated 12th November, 2015 in regards to Border Township at Khelma Village?*
- (ii) *Please furnish Certified True Copy of the Decision if any in regards to the Border Township at Khelma Village.*

The above applicant had given his address as C/O Wangko Zeliang, Jalukie Colony, Ward No. 9, H/No. 87(B), Jalukie Town, District Peren, Nagaland – 797110 in his RTI application dated 07.04.2016 and was received by the Home Commissioner on the same date i.e. **07.04.2016**, as evidenced on the body of the RTI application.

On receipt of the above RTI application **07.04.2016**, Shri. Bendangkokba, Secretary & PIO, Home Department, Nagaland, Kohima had, vide letter No. GAB-I/RTI/337/2014/782 dated **26.04.2016** replied to the applicant stating that the State Government had conveyed approval on the proposal submitted by the Office of the Commissioner, Nagaland for usage of EAC cum Border Magistrate at Peren District as Keiba Khelma, and had enclosed copies of the Home Department's letter No. GAB-13/COURT/113/2012 dated 15.12.2015 and dated 17.02.2016 addressed to the Commissioner, Nagaland, Kohima and the letter of the DC, Peren letter No. REV/CRT/ADM-1/09-10/938 dated 26.04.2010.

However, on receipt of the above reply, the applicant had submitted a letter No. ONVC-NO(2) 2016 dated **09.06.2016** addressed to the Secretary to the Government of Nagaland & Public Information Officer, Home Department, General Administrative Branch, Nagaland, Kohima as an RTI application stating that the particulars regarding the date of Government approval and copy of upholding for continuance of the nomenclature "**Kebai Khelma**" as proposed by the DC, Peren in his letter dated **13.08.2015** and by the Commissioner's letter dated **12.11.2015** have not been furnished to him and hence requested to furnish the following information:-

- (i) *the date of Government approval for continuance of the use of nomenclature "Kebai Khelma"*
- (ii) *a copy of the above said Government approval for continuance of the use of nomenclature "Kebai Khelma"*

On receipt of the above letter/(second)RTI application dated **09.06.2016** on the same date i.e. 09.06.2016, Shri. K. Libanthung Lotha, Addl. Secretary, Home Department, Nagaland, Kohima had, vide letter No. GAB-13/COURT/113/2012/119 dated 22.08.2016 replied to the applicant stating that:-

- (i) the date of Government approval for continuance of the use of nomenclature "Kebai Khelma" – **15th December, 2015**.
- (ii) a copy of the Government approval dated 15.12.2015 **enclosed**.

Besides, the following letters were also found enclosed in the above reply:-

- i) Letter No. JUDL.NKIO-KHELM-2/2012/466 dated 13.08.2015 of the DC, Peren to Commissioner, Nagaland.
- ii) Letter No. CNJ/219/2012/542 dated 12.11.2015 of the Commissioner, Nagaland to the Home Commissioner, Nagaland.
- iii) Letter No. GAB-13/COURT/113/2012 dated 15.12.2015 of the Home Department to Commissioner, Nagaland.

However, on receipt of the above documents, the applicant had submitted a complaint dated NIL to the Commission stating that no such copy of the approval order or even noting on the files regarding continuance of the use of nomenclature "Kebai Khelma" was furnished by the respondents to him except that only government correspondence letters conveying government information were furnished.

Since the applicant had received incomplete information as no Government approval order was furnished in response to his RTI applications dated 07.04.2016 and 09.06.2016, the Commission has decided to hear the complaint, giving opportunity to the parties on **18th November, 2016 (Friday) at 12:00 PM** in the **Hearing Room of the Nagaland Information Commission, Old Secretariat Complex, Kohima**. The Commission had also notified the following concerned to appear before this Commission and **also to bring the files and relevant documents** in question for scrutiny, on the above date and time for hearing.

OBSERVATIONS AND FINDINGS

The case was heard on 18.11.2016 in the presence of Shri. Libanthung Lotha, Additional Secretary & APIO, Home Department, Nagaland, the applicant (now complainant), Shri. Kusap Pame and Legal representative for the applicant (now complainant), Shri. Tongpong, Advocate.

During the hearing, Shri. Libanthung Lotha, Additional Secretary & APIO, Home Department, Nagaland submitted that Shri. Bendangkokba, Secretary & PIO, Home Department, Nagaland could not attend the hearing as he had to attend an important official meeting.

The legal representative of the applicant (now complainant), Shri. Tongpong submitted that the complaint preferred before the Commission was regarding the second RTI application dated 09.06.2016. He further submitted that he was satisfied with the information furnished in response to query No.1 of RTI application; however, he was not satisfied with the information furnished in response to query No.2 of the RTI application as the Public Authority had furnished an office correspondence letter No.GAB-13/COURT/113/2012 dated 15.12.2016 and not a Government Order/Notification. Shri. Tongpong insisted that a copy of the Government approved order/Notification on the recommendation of the Commissioner, Nagaland for the continuance of the nomenclature 'Kebai Khelma' be provided to him.

Shri. Libanthung Lotha, Additional Secretary & APIO submitted that the Public Authority did not possess any other information other than the ones that have already been furnished to the applicant (now complainant).

The Commission observed that though the Government had approved in principle on the proposal submitted by the Commissioner, Nagaland for the usage of the EAC-cum-Border Magistrate at Peren District as 'Kebai Khelma', no specific Government Order/Notification was issued by the Government declaring the usage of the nomenclature 'Kebai Khelma'.

DECISION

On the above observations and findings, since no Government Order/ Notification was issued though the Government had already approved for continuance of the use of nomenclature 'Kebai Khelma' as proposed by the Commissioner, Nagaland, the Commission had directed the Public Authority i.e., the Home Department to expedite the process of issuing specific Government Order/Notification and furnish a copy of the Order/Notification to the applicant (now complainant) with a copy to this Commission once the process is over.

On receipt of the above mentioned compliance, the Commission shall hear the case again which will be notified to all the parties later.

Decision pronounced in the presence of all parties present on 18.11.2016.

Copy be given to:-

1. Shri. Bendangkokba, Secretary & PIO, Home Department, Nagaland, Kohima.
2. Shri. K. Libanthung Lotha, Addl. Secretary, Home Department, Nagaland, Kohima, Mobile No. 9436266915.
3. The applicant (now complainant), Shri. Kusap Pame, Chairman, Old Nkio Village, District – Peren, Nagaland, Mobile No. 9402810990.
4. The Legal representative for the applicant (now complainant), Shri. Tongpong, Advocate, Dimapur, Mobile No. 9089146178.
5. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
6. Office Copy.

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

Sd/-
CHANBEMO LOTH
State Information Commissioner

Authenticated true copy:-

(WORHONTHUNG EZUNG)
Secretary