

**NAGALAND INFORMATION COMMISSION**

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No. NIC/Appeal-23/2016-17

Dated Kohima, the 26<sup>th</sup> March, 2018.

**Appellant** : Smti. Zeneisiile Ate Loucii,  
C 1/6, 2<sup>nd</sup> Floor,  
Sector 52, Ardee,  
Gurgaon, Haryana-122001,  
Mobile No. 08415068612.

**Respondents** : (i) The Commissioner & Secretary & First Appellate Authority,  
Department of Youth Resources & Sports,  
Nagaland, Kohima.

(ii) The Director & First Appellate Authority,  
Youth Resources & Sports,  
Nagaland, Kohima.

(iii) The concerned PIO,  
Department of Youth Resources & Sports,  
Nagaland, Kohima.

(iv) The concerned PIO,  
Directorate of Youth Resources & Sports,  
Nagaland, Kohima.

**Public Authority** :(i) Department of Environment, Forest & Climate Change, Nagaland, Kohima.  
(ii) Department of Youth Resources & Sports, Nagaland, Kohima.  
(iii) Directorate of Youth Resources & Sports, Nagaland, Kohima.

**Date of hearing** : 08.03.2018 at 1:00 PM.

**Date of Decision** : 26.03.2018.

**Present:**

1. Smti. Anenla S. Longchari, Commissioner & Secretary & FAA, Department of Youth Resources & Sports, Nagaland, Kohima, Mobile No. 9436005238.
2. Smti. Imtirenla Jamir, Director, Youth Resources & Sports, Nagaland, Kohima, Mobile No. 9436788888.
3. Shri. Henkhohao Singson, Additional Secretary & PIO, Department of Environment, Forest & Climate Change, Nagaland, Kohima, Mobile No. 7641007027.
4. Shri. Kecha Nienu, Under Secretary, Department of Youth Resources & Sports, Nagaland, Kohima, Mobile No. 9436010715.

**The following persons did not appear for the hearing:-**

1. Shri. Nizheto Awomi, former PIO, Directorate of Youth Resources & Sports, Nagaland, Kohima.
2. Smti. Atoli Yeptho, present PIO, Directorate of Youth Resources & Sports, Nagaland, Kohima.
3. The applicant(now appellant), Smti. Zeneisiile Ate Loucii, C 1/6, 2<sup>nd</sup> Floor, Sector 52, Ardee, Gurgaon, Haryana-122001, Mobile No. 08415068612

**FACT OF THE CASE**

An applicant, Smti. Zeneisiile Ate Loucii had submitted an RTI application dated 30.06.2016 addressed to the Joint Secretary & PIO, Environment, Forest & Climate Change Department, Nagaland along with an application fee of Rs. 10/- paid through IPO bearing No. 69E 929753 seeking certified copy of appointment order/orders of Roko/Roko Angami, Football Coach in the Directorate of Youth Resources & Sports, Nagaland, Kohima with the following information details:-

- 1. Please give me inspection of all files related to Roko/Roko Angami, Football Coach in the Directorate of Youth Resources & Sports, Nagaland, Kohima.*
- 2. Please allow me to take digital photographs and/or photocopies of the desired information from the files.*

On receipt of the above RTI application dated 30.06.2016, Shri. Henkhohao Singsong, Joint Secretary & PIO, Department of Environment, Forest & Climate Change, Nagaland had, vide letter No. **FOR/ESTT-(RTI)-80/2005(VOL-II)/644** dated **13.07.2016** transferred the RTI application to the Department of Youth Resources & Sports, Nagaland, Kohima with a copy for information to the applicant as the queries asked pertained to the Department of Youth Resources & Sports.

However, on not getting any response from the Joint Secretary & PIO, Department of Environment, Forest & Climate Change, Nagaland to her RTI application 30.06.2016 within the stipulated time period of 30 (Thirty) days, the applicant had submitted a first appeal dated **29.08.2016** to the First Appellate Authority, Department of Environment, Forest & Climate Change, Nagaland.

On receipt of the first appeal dated **29.08.2016**, the Commissioner & Secretary & First Appellate Authority, Department of Environment, Forest & Climate Change, Nagaland had, vide letter No. **C&S/EFCC/RTI/2016** dated **05.09.2016** directed the Joint Secretary & PIO to furnish the requisite information to the applicant, and in the case of non-availability of the information in the Department, the Appeal be transferred to the Department concerned to furnish the requisite information sought by the applicant.

And in compliance to the directive of the Commissioner & Secretary & First Appellate Authority, the Joint Secretary & PIO had, vide No. FOR/ESTT-(RTI)-80/2005(Vol-II)/787 dated **06.09.2016** forwarded the first appeal dated **29.08.2016** to the Department of Youth Resources & Sports, Nagaland, Kohima with a copy to the applicant (now appellant) for information as the appeal pertained to the Department of Youth Resources & Sports.

However, on not getting any response from the Joint Secretary & PIO, Department of Environment, Forest & Climate Change, Nagaland, Kohima to her RTI application dated 30.06.2016 and from the First Appellate Authority, Department of Environment, Forest & Climate Change, Nagaland, Kohima to her subsequent first appeal dated 29.08.2016, the applicant (now appellant) had preferred a second appeal dated **10.12.2016** before this Commission.

Meanwhile, 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 guard 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.

And with the shifting of the office into a new building, the Commission had, vide letter of even No. dated **18.08.2017** directed the Commissioner & Secretary & FAA, Department of Youth Resources & Sports, Nagaland, Kohima to submit copy of the decision of the First Appellate Authority and had also requested for photocopies of all the documents and correspondences relating to the appeal case for reconstruction of the case file. And in compliance to the directive of the Commission dated 18.08.2017, the Department of Youth Resources & Sports, Nagaland, Kohima had, vide No. YRS/ESTT-5/2010(PT) dated 29.08.2017 submitted the photocopies of the documents and correspondences relating to the appeal case, however, there was no decision of the First Appellate Authority found enclosed. The Commission had also, vide letter No. FOR/MISC-06/3/2017/679 dated **22.08.2017** received from the Department of Environment, Forest & Climate Change, Nagaland, Kohima, the photocopies of the documents and correspondences relating to the appeal case, however, there was no decision of the First Appellate Authority enclosed.

Smti. Atoli Yeptho, PIO, Directorate of Youth Resources and Sports, Nagaland, Kohima had also, vide letter No. DYRS/RTI/2017-18/478 dated 22.08.2017 submitted to the Commission that an RTI application dated **23.06.2016** was also received from Smti. Zeneisiile Ate Loucii on 23.06.2016, for which reply was promptly given on 12.07.2016. Further, the Directorate had also received the RTI application dated 30.06.2016 transferred from the Department of Forests on 20.07.2016, however, since the matter was a repetition of the earlier reply, the Department did not take any action. Furthermore, the Department felt that since Mr. Roko Angami is not employed nor associated with the

Department of Youth Resources and Sports, Nagaland, Kohima, the first appeal dated **29.08.2016** forwarded by the Department of Environment, Forest & Climate Change, Nagaland, Kohima on 06.09.2016 was felt irrelevant and the Department did not reciprocate to the query.

The Commission had decided to hear the appeal giving opportunity of being heard to all the parties on **8<sup>th</sup> March, 2018 (Thursday) at 1:00 P.M** in the **Hearing Room of Nagaland Information Commission, Below Raj Bhavan, Officers' Hill Colony, Nagaland, 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 applicant(now appellatant) and both the **former and present PIOs** of the Directorate of Youth Resources and Sports, Nagaland, Kohima did not appear for the hearing and there was no prior intimation or reason for their absence.

During the hearing, Smti. Anenla S. Longchari, Commissioner & Secretary & FAA, Department of Youth Resources & Sports, Nagaland, Kohima stated that she was new to the Department as she was posted few months back. She submitted that there was some compliance as a reply was given to the applicant stating that there was no such football coach exists in the Department. Further, she stated that the name of '*Roko or Roko Angami, Football Coach*' did not appear in the list of coaches under the Directorate of Youth Resources and Sports, Nagaland, Kohima and a copy of the list was also produced before the Commission during the hearing.

Shri. Henkhohao Singson, formerly Joint Secretary and now Additional Secretary & PIO, Department of Environment, Forest & Climate Change, Nagaland, Kohima stated that on receipt of the RTI application dated **30.06.2016** on **12.07.2016**, he thought that the RTI was mistakenly received however he had transferred it to the Department of Youth Resources & Sports, Nagaland, Kohima on **13.07.2016**. On receipt of the above RTI application transferred from the Department of Environment, Forest & Climate Change, Nagaland, Kohima, Shri. Vekhoyi Chakhesang, Under Secretary, Department of Youth Resources & Sports, Nagaland, Kohima had, vide letter No. YRS/ESTT-5/2010(Pt) dated **20.07.2016** transferred it to the Directorate of Youth Resources and Sports, Nagaland, Kohima.

Further, Shri. Henkhohao Singson, Additional Secretary & PIO, Department of Environment, Forest & Climate Change, Nagaland, Kohima stated that the first appeal dated **29.08.2016** which was received by the Department of Environment, Forest & Climate Change, Nagaland, Kohima was also transferred to the Department of Youth Resources & Sports, Nagaland, Kohima, vide letter No. FOR/ESTT-(RTI)-80/2005(Vol-II)/787 dated **06.09.2016**, and had informed the applicant about the transfer. On receipt of the first appeal dated 29.08.2016, Shri. Vekhoyi Chakhesang, Under Secretary, Department of Youth Resources & Sports, Nagaland, Kohima had, vide letter No. YRS/ESTT-4/2016 dated 08.09.2016 transferred the first appeal to the Directorate of Youth Resources and Sports, Nagaland, Kohima.

On scrutiny of the documents produced during the hearing, the Commission observed that the PIO of the Directorate of Youth Resources and Sports, Nagaland, Kohima, Shri. Nizheto Awomi had, vide letter No. DYRS/RTI/2016-17/709 dated **08.09.2016** informed the Under Secretary, Department of Youth Resources & Sports, Nagaland, Kohima that the information had already been disclosed to the applicant vide letter No. DYRS/RTI/2015-16/651 dated **12.07.2016**, stating "*Shri. Roko Angami is not employed in this Department*". The Department of Youth Resources & Sports, Nagaland, Kohima had also, vide letter No. YRS/ESTT-4/2016 dated **13.09.2016** wrote to the Department of Environment, Forest & Climate Change, Nagaland, Kohima that the information sought by the applicant, Smti. Zeneisiile Ate Loucii had already been furnished on **12.07.2016**.

During the hearing, Smti. Imtirenla Jamir, Director, Youth Resources & Sports, Nagaland, Kohima, stated that she was also posted to the Directorate of Youth Resources and Sports, Nagaland, Kohima few months back. On examination of the file and records, a RTI application dated **23.06.2016** on the same query was received on 01.07.2016 from the same applicant and reply already given on 12.07.2016. However, since the RTI application dated 30.06.2016 transferred from the Department of Environment, Forest & Climate Change, Nagaland, Kohima through the Department of Youth Resources & Sports, Nagaland, Kohima on 20.07.2016 was a repetition of the same query, it was felt that no action was necessary.

The Commission observed that the information was related to the Directorate of Youth Resources and Sports, Nagaland, Kohima, however the applicant had addressed her RTI application dated 30.06.2016 to the Department of Environment, Forest & Climate Change, Nagaland, Kohima. The PIO of the Department of Environment, Forest & Climate Change, Nagaland, Kohima had appropriately transferred both the RTI application dated 30.06.2016 and the First Appeal dated 29.08.2016 to the relevant public authority promptly.

The Commission also observed that the RTI application dated **23.06.2016** received by the Directorate of Youth Resources and Sports, Nagaland, Kohima and the RTI application dated **30.06.2016** received by the Department of Environment, Forest & Climate Change, Nagaland, Kohima were **separate** though the information sought were the same and by the same applicant. The applicant had also submitted her **first and second appeals** against her RTI application dated 30.06.2016 submitted to the Department of Environment, Forest & Climate Change, Nagaland, Kohima, and not against the RTI application dated **23.06.2016** which was submitted to the Directorate of Youth Resources & Sports, Nagaland, Kohima. Though the Directorate of Youth Resources & Sports, Nagaland, Kohima had given the reply on 12.07.2016 to the applicant in response to the RTI application dated 23.06.2016 and no further complaint had been received from the applicant, the Commission observed that there was **no action** taken on the RTI application dated **30.06.2016** and the first appeal dated 29.08.2016 against which the second appeal **10.12.2016** was filed and the hearing held. Further, since no information had been furnished against the RTI application dated 30.06.2016 within the stipulated time limit of 30 days, there has been delay for which penalty was attracted.

The Commission also pointed out that the list of coaches under the Directorate of Youth Resources and Sports, Nagaland, Kohima submitted during the hearing was dated **25.05.2017**, which do not pertain to the period when the two RTI applications dated 23.06.2016 and 30.06.2016 were submitted.

The Commission took a serious view regarding the absence of both the **former and present PIOs** of the Directorate of Youth Resources and Sports, Nagaland, Kohima for their failure to appear before the Commission during the hearing without any reason or prior intimation to the Commission.

#### **DECISION:**

On the above observations and findings, since there was **no action** taken on the RTI application dated 30.06.2016 and the first appeal dated 29.08.2016 which pertain to the present appeal and hence the hearing, the Commission decided that:-

1. The Director & FAA, Directorate of Youth Resources and Sports, Nagaland, Kohima shall hear the first appeal dated **29.08.2016** in the presence of the PIO(s) and the applicant (now appellant) and pass decision **within one (1) month** from the date of receipt of this decision, with a copy to this Commission. And during the hearing of the first appeal, the information in response to the RTI application dated **30.06.2016** shall be furnished to the applicant(now appellant).
2. On furnishing of the information, the satisfaction or non-satisfaction of the information shall also be confirmed from the applicant (now appellant) and a copy of the confirmation of such satisfaction report of the applicant(now appellant) be submitted to this Commission.
3. Shri. Nizheto Awomi, former PIO and Smti. Atoli Yeptho, present PIO, Directorate of Youth Resources & Sports, Nagaland, Kohima shall submit **explanations** for their failure to appear before the Commission for the hearing **within one (1) month** from the date of receipt of this decision.

On receipt of the above compliances, the Commission shall hear the case again in the next hearing which shall be notified later.

Decision pronounced in presence of only the respondents on 08.03.2018 at 1:00 PM.

Copy of this decision be given to:-

1. Smti. Anenla S. Longchari, Commissioner & Secretary & FAA, Department of Youth Resources & Sports, Nagaland, Kohima, Mobile No. 9436005238.
2. Smti. Imtirenla Jamir, Director, Youth Resources & Sports, Nagaland, Kohima, Mobile No. 9436788888.

3. Shri. Henkhohao Singson, Additional Secretary & PIO, Department of Environment, Forest & Climate Change, Nagaland, Kohima, Mobile No. 7641007027.
4. Shri. Kecha Nienu, Under Secretary, Department of Youth Resources & Sports, Nagaland, Kohima, Mobile No. 9436010715.
5. Shri. Nizheto Awomi, former PIO, Directorate of Youth Resources & Sports, Nagaland, Kohima.
6. Smti. Atoli Yeptho, present PIO, Directorate of Youth Resources & Sports, Nagaland, Kohima.
7. The applicant (now appellant), Smti. Zeneisiile Ate Loucii, C 1/6, 2<sup>nd</sup> Floor, Sector 52, Ardee, Gurgaon, Haryana-122001, Mobile No. 08415068612.
8. The Computer Programmer, Nagaland Information Commission for uploading on the Commission's website and Notice Board.
9. Office Copy.

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

**Sd/-**  
**G. H. RAMLIA**  
**State Information Commissioner**

Authenticated true copy:-

**(WORHONTHUNG EZUNG)**  
**Secretary**