

**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-5/2014-15

Dated Kohima, the 10<sup>th</sup> November, 2014.

Complainant: Shri. Milap Singh,  
Ratouli Road  
Hunde Wala Farm House,  
Jagadhri – 135003,  
District Yamuna Nagar,  
Haryana

Respondent(s): 1) The Special Secretary,  
Home Department,  
Government of Nagaland,  
Nagaland, Kohima.

2) Ningsang Tally,  
OSD to Chief Secretary,  
Government of Nagaland,  
Kohima, Nagaland.

Public Authority: Home Department,  
Nagaland, Kohima.

Date of hearing: 05.11.2014 at 12:00 PM.

Date of Decision: 10.11.2014

Present:

1. Smti. Thangkhonei Singsit, Additional Secretary & APIO, Home Department had represented the Special Secretary, Home Department, Government of Nagaland, Kohima.
2. Ms. Ningsang Tally, OSD to Chief Secretary, Government of Nagaland, Kohima.
3. Shri. Limasanen, Secretarial Assistant (Arms Branch), Home Department.

The applicant(now complainant), Shri. Milap Singh, Ratouli Road Hunde Wala Farm House, Jagadhri – 135003, District Yamuna Nagar, Haryana **did not appear** for the hearing.

**FACT OF THE CASE:**

An applicant, Shri. Milap Singh, Ratouli Road Hunde Wala Farm House, Jagadhri – 135003, District Yamuna Nagar, Haryana had submitted an RTI application dated 19.05.2014, addressed to the PIO-cum-Chief Secretary, Government of Nagaland, Kohima, alongwith a fee of Rs. 50/- paid vide IPO No. 80G 478785 and another IPO No. 09B 529805 for Rs. 2.00 requesting for information regarding individual Arm Licence on the following points:-

1. Whether the Notification of 8<sup>th</sup> August, 1987 whereby the Licensing Authority for the weapons as covered under Section 1B and 1C of Schedule I under Rule 3 of the Arms Rules, 1962 of the Central Government still holds good?
2. Whether the State Government has the authority to make licensee under Section 1B and 1C of Schedule I under Rule 3 of the Arms Rules, 1962?
3. Whether after the judgment passed in the case of the State of Punjab versus Swaran Singh in murder reference No. 5 of 2000 passed by the Hon'ble Full Bench of Punjab and Haryana High Court, Chandigarh on 26.05.2009 and the order passed in the case

titled Subash Ram Kumar Bind @ Vakil and another versus State of Maharashtra, 2003 (1) RCR(Cr) (709), the weapon cover under Section 1B and 1C of Schedule I under Rule 3 of the Arms Rules, 1962 are still the prohibited weapon?

On receipt of the above RTI application dated 19.05.2014, Ningsang Tally, OSD to Chief Secretary, Government of Nagaland, Kohima had, vide letter No. CSO/10/RTI/2014 dated 29.05.2014 forwarded the above RTI application dated 19.05.2014 in original alongwith the two (2) above mentioned IPOs for a total amount of Rs. 52.00 to the Special Secretary, Home Department, Government of Nagaland, Kohima, stating that the information is not available in the Office of the Chief Secretary, Government of Nagaland, Kohima and had requested to furnish the information directly to the applicant. A copy to the said letter was also endorsed to the applicant.

However, since there was no reply to the above RTI application dated 19.05.2014 from the Special Secretary, Home Department, Government of Nagaland, Kohima till date, the applicant(now complainant) had submitted a complaint dated 26.08.2014 before this Commission stating that he did not receive any information or response to his RTI application dated 19.05.2014.

And the Commission had decided to hear the complaint, giving opportunity to the parties, on **5<sup>th</sup> November, 2014 (Wednesday) at 12:00 PM** in the **Hearing Room of the Nagaland Information Commission, Old Secretariat Complex, Kohima.**

#### **OBSERVATIONS AND FINDINGS:**

The applicant(now complainant) did not appear for the hearing today and there was no prior information received by the Commission regarding his absence in the hearing.

During the hearing, the Home Department submitted that the information was furnished to the applicant on two occasions – on **16.06.2014** and **16.09.2014** by **ordinary post** as evidenced from the Despatch Register which was produced before the Commission. And basing on the evidence, the Commission accepted the action of the Home Department.

The Commission was also satisfied with the prompt action of both the Office of the Chief Secretary, Government of Nagaland, Kohima and the Home Department in acting on the RTI application within the stipulated time frame, as well as in furnishing the information on two occasions.

The Commission observed that although the information had been sent to the applicant(now complainant) **twice by ordinary post** as evidenced on the copy of the Despatch Register of the Home Department, the applicant(now complainant) had complained of not receiving the information. And since the information was sent by ordinary post, there was no option of tracking from the website or from any record whether the applicant(now complainant) had received the information.

The Commission also advised the public authority that in future, any RTI applications received from outside the State, replies should be send either by Speed Post or by Registered Post or by Courier.

#### **DECISION:**

On the above observations and findings, the Commission directs that the Home Department send the same information again to the applicant(now complainant) and also informing about their earlier letters regarding furnishing of information sent on **16.06.2014** and **16.09.2014** by **ordinary post**. The information shall be sent either by Speed Post or by Registered Post or by Courier so as to ensure that the applicant(now complainant) receive the information.

This complaint case shall be closed only after compliance to the above decision of the Commission is received and no further complaint received from the applicant(now complainant)

within one (1) month from the date of receipt of the information so furnished by the Home Department.

Decision pronounced in presence of all parties present on 05.11.2014.

Copy be given to the parties:-

1. The Special Secretary, Home Department, Government of Nagaland, Kohima.
2. Ms. Ningsang Tally, OSD to Chief Secretary, Government of Nagaland, Kohima.
3. The applicant(now complainant), Shri. Milap Singh, Ratouli Road Hunde Wala Farm House, Jagadhri – 135003, District Yamuna Nagar, Haryana
4. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
5. Office Copy.

**(KEVININO P. MERU)**  
Chief Information Commissioner,  
Nagaland.