

NAGALAND INFORMATION COMMISSION
AGRI-FARM COLONY, LANE-6, H/NO. AFC-578
POST BOX NO. 148
NAGALAND, KOHIMA-797001

Email: cic.nagaland@gmail.com | Website: www.nlsic.nagaland.gov.in



No. NIC/Appeal-4/2020-21

Dated Kohima, the 27th July, 2021

Appellant : Shri. LhousitoKhro,
President, Naga Tribal Union Chiimoukedima Town (NTUCT),
Chiimoukedima Town, Ward No - 2, Dimapur District, H.Q.
Chiimoukedima-797103, Nagaland.

Respondents : i) Shri. T. John Longkumer, IPS,
Director General of Police & First Appellate Authority,
Office of the Director General of Police, Nagaland, Kohima-
797001
ii) Shri. S. TokiumongYim, IPS,
Inspector General of Police (Hqr) & PIO (PHQ),
Office of the Director General of Police, Nagaland, Kohima-
797001.

Public Authority : Office of the Director General of Police,
Nagaland, Kohima-797001'

Date of hearing : 22.04.2021(Thursday) at 01:00 PM.
Date of decision : 27.07.2021

Present:

1. Shri. T. John Longkumer, IPS, DGP & FAA, Office of the Director General of Police, Nagaland, Kohima.
2. Shri. S. TokiumongYim, IPS, IGP (Hqr) & PIO (PHQ), Office of the Director General of Police, Nagaland, Kohima.
3. Smti. ZuboniEzung, Legal Officer, Office of the Director General of Police, Nagaland, Kohima.
4. The applicant (now appellant), Shri. Lhousito Khro, President, Naga Tribal Union Chiimoukedima Town (NTUCT).
5. Smti. Z. Zhimomi (Advocate), Kohima (representative of the applicant).
6. Shri. Toshi O. Longkumer (Advocate), Kohima (representative of the applicant).

FACTS OF THE CASE

The applicant (now appellant), Shri.Lhousito Khro, had initially submitted an RTI application dated **21.08.2020** addressed to the PIO, Office of the Director General of Police, Kohima, Nagaland, seeking the following information:

1. *Number of posts advertised under the establishment of Director General of Police, Nagaland, Kohima for the year 2019;*
2. *Number of appointments made under the establishment of Director General of Police, Nagaland, Kohima from 2019 till date;*
3. *Appointment Orders of the following categories of posts for the year 2019-2020;*
 - a) *UBSI (GD)*
 - b) *SI (Opr)*
 - c) *SI (Tech)*
 - d) *ASI*
 - e) *LDA Directorate (PHQ Kohima)*
 - f) *LDA District*
 - g) *Stenographer (GR-III)*
4. *Appointment Orders of Non-Combatant Executives (NCE) w.e.f. 1st Jan, 2018-2020.*

On receipt of the above mentioned RTI application, Shri. S. Tokiumong Yim, IPS, IGP(Hqr) & PIO (PHQ) had vide letter **NO. PHQ (CON-II) 185/RTI/2015-16/1878** dated **28.10.2020** furnished the information as sought. However, the applicant (now appellant), Shri. Lhousito Khro, President, Naga Tribal Union Chiimoukedima Town (NTUCT), on not being satisfied with the information so furnished, vide letter **No. NIL** dated **19.11.2020** submitted the First Appeal addressed to the Appellate Authority, Office of the Director General of Police, Nagaland, Kohima.

In response to the First Appeal dated **19.11.2020**, Shri. R. Vikram Ezung, NPS, AIGP (Ops) & APIO issued **Notice for Hearing on 09.12.2020 (Wednesday) at 12:00 PM** in the Conference Hall, PHQ vide **NO. PHQ/RTI/APPEAL/2020** dated **05.12.2020**. Accordingly, after hearing the parties i.e., the applicant (now appellant) and the PIO concerned, the FAA had vide Order **NO. PHQ/RTI/APPEAL/2020/1949** dated **17.12.2020** passed the decision/order stating that, considering **the 38(thirty eight) days delay** in furnishing the information sought by the appellant, it is on record that the whole State was continuing with the lockdown because of COVID-19 pandemic, hence the Office of the public authority was under selective roster attendance and in the absence of regular staff, information was not furnished on time by the PIO and also quoted the Hon'ble Apex Court in Sou moto **writ petition No.3/2020, decided on 23.3.2020**. Coming to the other grievances of the appellant, it is opined that the information furnished by the PIO (PHQ) on **28.10.2020** is as per the records of this public authority. Hence, asking further information on the appeal application will be tantamount to negation of the information already furnished, as such in the interest of justice and fair play, the present appeal is found to be devoid of merits. In view of the aforesaid findings, it is found that no tenable grounds to interfere with the findings of the PIO in the result findings and information dated **28.10.2020** already furnished to the appellant is hereby upheld. Resultantly, the present appeal filed by the appellate is found to be unsustainable and as such dismissed.

On not getting complete information as sought from the PIO to his RTI application dated **21.08.2020** and subsequent First Appeal dated **19.11.2020** to the FAA and unsatisfied with the decision of the FAA vide Order **No.PHQ/RTI/APPEAL/2020** dated **17.12.2020**, the applicant (now appellant) had submitted a Second Appeal to the Commission vide **No. NIL** dated **20.01.2021**.

OBSERVATIONS AND FINDINGS

The applicant (now appellant), Shri. Lhousito Khro appeared for the hearing and the appeal case was heard in the presence of the respondents, Shri. T. John Longkumer, DGP & FAA, Office of the Director General of Police, Nagaland, Kohima and Shri. S. Tokiumong Yim, IPS, IGP (Hqr) & PIO (PHQ), Office of the Director General of Police, Nagaland, Kohima.

The Commission informed that the applicant (now appellant) did not received complete information as sought through his RTI application dated **21.08.2020** and that even after the First appeal hearing was conducted on **09.12.2020**, the public authority failed to furnish the complete information sought by stating that the information furnished by the PIO, PHQ vide letter **NO.PHQ (CON-II) 185/RTI/2015-16/1878 dated 28.10.2020** is as per the records of the Public Authority. Hence, asking further information on this appeal application will be tantamount to negation of the information already furnished, as such in the interest of justice and fair play, the present appeal is found to be devoid of merits.

During the hearing, the applicant (now appellant) said that the main objective their Union is to fight for the interest of the public. The representative of the applicant (now appellant) stated that the PIO (PHQ) had furnished the replies to **Sl. No. 1 & 2**, however, for **Sl. No. 3 & 4**, the information was denied. She further stated that since the appointments were made without any advertisement, it was backdoor appointment. She desired that all the posts to be advertised so as to give equal opportunity to all.

During the hearing, the respondent, Shri. T. John Longkumer, DGP & FAA defended that RTI information sought at **Sl. No. 3 & 4** are personal information and hence, cannot be furnished due to security reasons and moreover, in view of the declaration of **Disturbed Area Act of 1976** and **Armed Forces (Special Powers) Act, 1958 AFSPA**, all the details of the appointments cannot be disclosed. He further stated that the information sought may be furnished however, the life and security of the Police Personnel cannot be jeopardised.

The Commission pointed out that denying furnishing of information by the FAA and PIO referring to ***Girish Ramchander Despande-vs-CIC in SLP NO.27734/2012*** case was not tenable since it was a different context from the present case.

It was also pointed out that since the PIO (PHQ) had in another RTI matter furnished the “details of appointment orders during the last 3 years along with the Name / Father’s Name, Village & Tribes of various ranks” to the same applicant (now appellant) vide letter ***NO.PHQ/IGP/HQR/2018/1212*** dated ***24.02.2020***, the applicant (now appellant) should not be denied information in this similar RTI case too.

The Commission also observed that no penalty was attracted in the delay by the Public Authority due to the prevalent COVID-19 pandemic situation all over the country. The Commission re-iterated that since any kind of appointment made has some public interests, the public authority should furnish the information sought. And while furnishing the appointment orders, the information which are sensitive and likely to cause invasion of privacy may be withheld.

DECISION

On the above observations and findings, the Commission decided that the DGP & FAA, Office of the Director General of Police, Nagaland, Kohima shall furnish the complete information as sought and also confirm satisfaction/non-satisfaction from the applicant (now appellant) with a copy to the Commission.

The above action taken report shall be submitted to the Commission **within 40 (forty) days** from the date of receipt of this decision.

The Commission also directed Shri. S. TokiumongYim, IPS, IGP (Hqr) & PIO (PHQ) to withdraw his letter ***NO.PHQ (B-X) LC/NTC/2020/506*** dated ***31.08.2020*** immediately.

Decision pronounced in the presence of the applicant (now appellant) and the respondents on ***22.04.2021***.

Copy be given to:

1. Shri. T. John Longkumer, IPS, DGP & FAA, Office of the Director General of Police, Nagaland, Kohima.
2. Shri. Shri. S. TokiumongYim, IPS, IGP (Hqr) & PIO (PHQ), Office of the Director General of Police, Nagaland, Kohima.
3. The applicant (now appellant), Shri. Lhousito Khro, President, Naga Tribal Union Chiimoukedima Town (NTUCT).
4. The Computer Programmer, Nagaland Information Commission, Nagaland, Kohima for uploading on the website and Notice Board.
5. Office Copy.

Sd/-

G.H. RAMLIA

State Information Commissioner

Authenticated true copy:-

(OBANGLA JAMIR)

Secretary

Nagaland Information Commission