

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

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



No.NIC/Appeal-1/2020-21

Dated Kohima, the 01st April, 2021

Subject: Notice for Hearing on 22nd April, 2021 (Thursday) at 12:00 P.M.

WHEREAS, under Section 19 (3) of the Right to Information Act, 2005, the Commission had received a second appeal vide *No.NTUCT/RTI-PHQ/AP-05-2020 dated 01.06.2020* from Shri. Lhousito Khro, President, Naga Tribal Union Chiimoukedima Town (NTUCT), Chiimoukedima Town, Ward-2, Mobile No. 7628086245/8837348261 against non-response from the PIO and the First Appellate Authority to his RTI application *No.NTUCT/RTI-PHQ/AP-02/2020 dated 03.03.2020* and subsequent first appeal *No. NTUCT/RTI-PHQ/AP-05-2020 dated 13.05.2020*.

AND WHEREAS, the applicant, Shri. Lhousito Khro had earlier submitted an RTI application vide letter *No.NTUCT/RTI-PHQ/AP-02/2020 dated 03.03.2020* addressed to the PIO, along with the prescribed application fee of ` 10/- paid through cash seeking the following information:

- i. *Appointment Order of 1140 Constables as replied in your last RTI report dated 24th Feb, 2020.*
- ii. *Exclusively furnish the detail particulars of 206 or 208 who were selected and appointed through open recruitment dated 15th, 16th and 18th Nov, 2019. Their Names, Chest Numbers and District wise.*

AND WHEREAS, on not getting any response from the PIO, Shri. Lhousito Khro, President, Naga Tribal Union Chiimoukedima Town (NTUCT) to his RTI application *No.NTUCT/RTI-PHQ/AP-02/2020 dated 03.03.2020*, the applicant (now appellant) had, vide letter *No. NTUCT/RTI-PHQ/AP-05-2020 dated 13.05.2020* submitted the first appeal addressed to the Appellate Authority, Office of the Director General of Police, Nagaland, Kohima.

AND WHEREAS, in a joint reply to 5 (five) parties including the above applicant (now appellant), Shri. R. Vikram Ezung, AIGP & APIO, had vide letter *NO. PHQ (CON-II) 185/RTI/2015-16/3655 dated 06.04.2020* informed that due to the Global Pandemic of Covid-19 and Lockdown as per the Government order, the information sought could not be provided.

AND WHEREAS, a Notice for Hearing on 17th June, 2020 (Wednesday) at 12:00 PM to be heard in the Office Chamber of DGP, Nagaland was issued by the Director General of Police & First Appellate Authority (PHQ), Office of the Director General of Police, Nagaland, Kohima vide *NO. PHQ (CON-II) 185/RTI/2015-164063 dated 02.06.2020* and after hearing the parties i.e., the applicant and the PIO concerned had passed decision vide Order *NO. PHQ (CON-II) 185/RTI/APPEAL/2016 dated 17.06.2020* stating that in view of the total Lockdown announced vide Government of Nagaland due to the Global Pandemic of Covid-19 and absence of necessary Staff for processing the application, vide letter *NO. PHQ (CON-II) 185/RTI/2015-16/3655 dated 06.04.2020*, the APIO had informed the applicant that the information could not be provided. After due deliberation and proper application of mind, the FAA had come to the conclusion that the above letter dated *06.04.2020* issued by the APIO cannot be treated as the reply of the Department as per the RTI Act, 2005. In conclusion, the FAA had sent the original RTI application dated 03.03.2020 back to Shri. S. Tokiumong Yim, IPS, IGP(Hqr) & PIO of Nagaland Police Department for proper and necessary action as per the provision of the RTI, *de novo*.

AND WHEREAS, in compliance to the above decision of the FAA dated *17.06.2020* and RTI application dated *03.03.2020*, Shri. S. Tokiumong Yim, IPS, IGP(Hqr) & PIO (PHQ) vide letter *NO. PHQ (CON-II) 185/RTI/APPEAL/2016/188 dated 18.07.2020* replied to the applicant (now appellant) stating that the information sought is protected under Section 8(1)(j) of the RTI, Act, 2005 and that after due application of mind, it is opined that the information sought do not meet any public interest or activity.

AND WHEREAS, the Commission had issued a Directive of *even No.* dated *19.08.2020* clarifying the above PIO letter dated *18.07.2020* stating that information sought cannot be exempted under Section 8(1)(j) of the RTI, Act, 2005 since there is public interest as appointments are made for performance of the public interest.

AND WHEREAS, on receipt of the above direction of the Commission dated 19.08.2020, Shri. S. Tokiumong Yim, IPS, IGP(Hqr) & PIO had vide letter **NO. PHQ (B-X)LC/NTC/2020/506** dated **31.08.2020** requested the Commission to revoke the said order and re-hear the RTI appeal filed by Shri. Lhousito Khro since the said directive and order issued by letter dated 19.08.2020 has been issued in violation of the principles of Natural Justice.

AND WHEREAS, since the above letter of the PIO dated 31.08.2020 was vague and not clear and that the applicant(now appellant) had also vide letter No. NTUCT/RTI-PHQ/AP-09/2020 dated 07.08.2020 requested the Nagaland Information Commission, the Commission had vide letter of even No. dated 22.09.2020 directed the FAA to re-hear the First Appeal within 30 (thirty) days.

AND WHEREAS, in compliance to the Directive of the Commission dated **22.09.2020**, Shri. R. Vikram Ezung, NPS, AIGP (Ops) & APIO issued **Notice for Hearing on 16.10.2020 (Friday) at 2:00 PM** in the Conference Hall, PHQ vide **NO. PHQ (CON-II) 185/RTI/APPEAL/2016** dated **09.10.2020**. Accordingly, after hearing the parties i.e., the applicant (now appellant) and the PIO concerned and passed decision vide Order **NO. PHQRTI/APPEAL/2020/1654** dated **23.11.2020** stating that, the information sought by the appellant in the appeal at hand falls within the ambit of personal information under Section 8 (1) (j) of the RTI Act, 2005 which would cause unwarranted invasion of the candidates/individuals and hence breach of confidentiality and trust and opined that confidentiality cannot be disclosed if found to have no relation to any Public Authority or interest, while referring to Girish Ramchander Despande-Vs-CIC in SLP NO. 27734/2012 case. Accordingly, the appeal was disposed of by the DGP & FAA as being devoid of merits.

AND WHEREAS, since the Commission was not convinced and not satisfied with the above order of the FAA, the Commission has decided to hear the appeal giving opportunity of being heard to all the parties on **22nd April, 2021 (Thursday) at 12:00 PM(noon)** in the **Hearing Room of Nagaland Information Commission, Agri-farm Colony, Lane-6, H/No. 578, Nagaland, Kohima.**

NOW THEREFORE, the following parties are directed 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. The following under mentioned officials are requested to attend the hearing with preventive measures such as wearing of face mask and social distancing etc;

1. Shri. T. John Longkumer, IPS, Director General of Police & First Appellate Authority, Office of the Director General of Police, Nagaland, Kohima-797001.
2. Shri. S. Tokiumong Yim, IPS, Inspector General of Police (Hqr) & PIO (PHQ), Office of the Director General of Police, Nagaland, Kohima-797001.
3. The applicant (now appellant), Shri. Lhousito Khro, President, Naga Tribal Union Chiimoukedima Town (NTUCT), Chiimoukedima Town, Ward-2, Mobile No. 7628086245/8837348261.

Sd/-

G. H. RAMLIA

State Information Commissioner

Dated Kohima, the 01st April, 2021

No.NIC/Appeal-1/2020-21

Copy to:

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5. The applicant (now appellant), Shri. Lhousito Khro, President, Naga Tribal Union Chiimoukedima Town (NTUCT), Chiimoukedima Town, Ward-2, Mobile No. 7628086245/8837348261.
6. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
7. Office Copy.

(OBANGLA JAMIR)

Secretary

Nagaland Information Commission

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NAGALAND, KOHIMA-797001

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No.NIC/Appeal-4/2020-21

Dated Kohima, the 01st April, 2021

Subject: Notice for Hearing on 22nd April, 2021 (Thursday) at 1:00 P.M.

WHEREAS, the Commission had received a Second Appeal addressed to the CIC, Nagaland, Kohima dated **20.01.2021** from Shri. Lhousito, President, Naga Tribal Union Chumukedima Town, Ph. No. 7258086245 for incomplete information furnished to his RTI application dated **21.08.2020** vide PIO letter **NO. PHQ (CON-II) 185/RTI/2015-16/1278** dated **28.09.2020** after the expiry of 38 days and dismissal of the case by the FAA to his First Appeal dated **19.10.2020** as being devoid of merits vide Order **NO.PHQ/RTI/APPEAL/2020** dated **17.12.2020**.

AND WHEREAS, the applicant(now appellant), Shri. Lhousito, had initially submitted an RTI application dated **21.08.2020** addressed to the PIO, 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.*

AND WHEREAS, on not 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 to the applicant (now appellant), Shri. Lhousito Khro, President, Naga Tribal Union Chiimoukedima Town (NTUCT). However, on not being satisfied, the applicant had 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.

AND WHEREAS, 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 28th October, 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 **28th October, 2020** already furnished to the appellant is hereby upheld. Resultantly, the present appeal filed by the appellee is found to be unsustainable and as such dismissed.

AND WHEREAS, since the Commission is not satisfied and convinced with the above decision / order of the FAA, the Commission has decided to hear the above mentioned appeal giving opportunity of being heard to all the parties on **22nd April, 2021 (Thursday) at 1:00 P.M** in the **Hearing Room of Nagaland Information Commission, Agri-farm Colony, Lane-6, H/No. AFC/578, Nagaland, Kohima.**

NOW THEREFORE, the following parties are directed 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. The following under mentioned officials are requested to attend the hearing with preventive measures such as wearing of face mask and social distancing etc;

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3. The applicant (now appellant), Shri. Lhousito Khro, President, Naga Tribal Union Chiimoukedima Town (NTUCT), Chiimoukedima Town, Ward-2, Mobile No. 7628086245/8837348261.

Sd/-

G. H. RAMLIA

State Information Commissioner

Dated Kohima, the 01st April, 2021

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