

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-34/2022-23

Dated Kohima, the 13th October, 2022

Subject: Notice for Hearing on 26th October, 2022 (Wednesday) at 11:00 A.M.

WHEREAS, the Commission had, received Second Appeal dated **29/09/2022** from Smti. Nuksungtila, The Chambers, Advocates, Agri-Farm Colony, Kohima, Nagaland, Mb-9862375703 against the non-response of the FAA, NSDMA, Home Department to her first appeal dated 10/08/2022 which was submitted against the non-response of the PIO, NSDMA, Home Department, Nagaland, Kohima to her RTI application dated **01/07/2022**.

AND WHEREAS, the applicant had submitted RTI application dated 01/07/2022 addressed to the PIO, NSDMA, Home Department, Nagaland, Kohima alongwith RTI application fee of Rs. 10 seeking the following information:-

1. *Furnish me a copy of the members of the State Disaster Committee and Members of all the District Disaster Committee including the Meeting Minutes from 2013-2021.*
2. *Furnish me a copy of the sanction letters/ funds released from NDRF (National Disaster Relief Fund)/ Ministry of Home Affairs/ Ministry of Finance/ Any Ministry/ NDRF/NEC/ for implementation and execution against COVID-19. Specify the exact amount received along with a copy of the sanction letter from the state Finance Department to NSDMA against Covid-19.*
3. *Furnish me a copy of the following information sought where grant-in-aid/ relief/ money sanction is allocated/ forwarded/ fund released to organization, agencies, NGO, Government department or individuals against or to combat Covid-19.*
 - a. *Name, address and contact number of the individuals/ organization/ agencies, NGO, Government department who have received financial assistance/ grant-in-aid or normal fund from NSDMA for Covid-19.*
 - b. *Copy of the banker cheque/APR/ forwarding letter signed against the fund received by the individuals/ organization/ agencies/ NGO, Government Department against Covid-19.*
 - c. *Nature/ orientation of work or the type of relief executed against the fund released by NSDMA to individuals/ organization/ agencies/ NGO/ Government department against Covid-19.*
 - d. *Copy of the amount utilized by the NSDMA office itself to combat Covid-19 along with a copy of the Cash memo/ invoice or any other document to proof the proper and correct utilization of money by NSDMA office against Covid-19.*
4. *Furnish me a copy of all the sanction letters from Ministry of Home Affairs/ Ministry of Finance/ National Disaster Relief Fund/ North Eastern Council/ any other ministry or agency which has financially sanction or release fund to Nagaland State Disaster Management Authority (NSDMA) as grant-in-aid/ Disaster Management fund/ State Disaster Response Fund/ normal sanction etc. from 2013-2021.*
5. *Furnish me a copy of all the sanction order/ release order from the department of finance, Govt. of Nagaland to NSDMA from 2013-2021*
6. *Furnish me a copy of all the Utilization Certificate/ letter against the money sanction from the Central Ministry from 2013-2021.*
7. *Furnish me a copy of banker cheque/ APR against the fund released to individual/ Organization/ District Disaster Committee for disaster/ nature calamities from 2013-2021.*
8. *Furnish me a copy of the actual design/ architectural design of the civil work submitted by the affected individual/ organization or prepared by the department against natural disaster and which are selected and grant-in-aid released to them from 2013-2021.*

9. *Furnish me a copy of all the project, program, or any other works which was executed by the department (NSDMA) itself and also the expenditure amount of each project, program and works incurred from the sanctioned amount from 2013-2021.*
10. *Furnish me a copy of the Rules & Regulation/ Guidelines to be followed by Nagaland State Disaster Management Authority (NSDMA) while implementing/ executing the work/ scheme/fund sanction/ grant-in-aid/ financial assistance etc. against any disaster or natural calamities in our State.*
11. *Furnish me a copy of the following information sought where grant-in-aid/ relief compensation was given/ fund released to individuals or Organization against disaster or natural calamities from 2013-2021:-*
 - a. *Name, address and contact number of the individuals/ organization who have received assistance from NSDMA.*
 - b. *Copy of the banker cheque/ APR signed and received by the individuals/ organization against disaster or natural calamity.*
 - c. *Nature/ orientation of work or the type of relief executed against the fund released.*
 - d. *Total No. of Civil work/ construction work along with proper and correct address/ geo-tagging where the said work was executed.*
12. *Name and Designation of the officer who handles the Accounts of NSDMA and also the name of DDO/ releasing authority on behalf of the department.*
13. *What are the procedure/ guidelines to be followed by an individual/ organization that are affected by natural calamities in order to avail financial/ grant-in-aid which are sponsored/ sanction by the central ministry?*
14. *Which Administrative head/ Political head is the final authority to approve/ select the grant-in-aid for individual/ Organization against disaster/ natural calamities?*
15. *Furnish me a copy of the final approves list of beneficiaries where the approving authority had annexed his/ her signature along with the final file note sheet from 2013-2021.*
16. *Furnish me a copy of the type of capacity building executed by the department to different individual and organization, and also a copy of the date and place the capacity building was executed, name and address of individuals/ organization that have avail the capacity building sponsored by the department from 2013 – 2021.*
17. *Furnish me a copy of the amount incurred in sponsoring/ executing the capacity building by the department from 2013-2021.*
18. *Furnish me a copy of the number of individual/ organization with name and address who have avail training on disaster management along with the date, place, amount incurred for training from 2013-2021.*
19. *Furnish me a copy of the following information sought from 2013-2021:-*
 - a. *Type of equipment's that are purchased for search and rescue.*
 - b. *Total number of equipment purchased.*
 - c. *Photographic evidence of the equipment which are purchased/ bought.*
 - d. *Name of the company/ Shop from where the equipment is ordered/ purchased.*
 - e. *Copy of the invoice/ cash memo of all the equipment's that are purchased for search and rescue.*
 - f. *Copy of the approval letter from the Govt. of Nagaland for procurement of equipment's for search and rescue under NSDMA.*
 - g. *Name and designation of administrative head/ political head/ committee that decides/ approve the procurements of equipment's for search and rescue under NSDMA.*
 - h. *Copy of the amount sanctioned by the finance department, Govt. of Nagaland to procure equipment's for search and rescue under NSDMA.*
 - i. *Copy of the number of equipment purchased each year along with date and the approval from the Govt.*

AND WHEREAS, the above RTI application was received by the public authority on **04/07/2022** as evidenced on the body of the application. On receipt of the RTI application, Shri. Lhouchalie Viya, IAS, Secretary & PIO, NSDMA, Home Department had, vide letter **No.NSDMA/RTI/274/2019(Pt.II)/6493** dated **15/07/2022** requested the applicant to consider additional 30 days to furnish the information as the sought information pertains to every activity of NSDMA from 2013-2021 which is then when NSDMA was established officially in 2011.

AND WHEREAS, on non-receipt of any information to her RTI application, the applicant had submitted first appeal dated 10/08/2022 to the Appellate Authority, NSDMA, Home department stating that, under section 7(6) of the RTI Act, 2005, the information should be provided free of cost where the public authority had failed to provide the information within the specific time limit and had enclosed the letter of Secretary & PIO, NSDMA, Home Department, requesting for additional 30 (thirty) days to furnish the information.

AND WHEREAS, on receipt of the first appeal dated **10/08/2022** by the public authority on **22/08/2022**, Shri. Lhouchalie Viya, IAS, Secretary & PIO, NSDMA, Home Department had, vide letter **No.NSDMA/RTI/274/2019(Pt.II)/6748** dated **22/09/2022** issued notice for hearing to be held on 01/10/2022 at 11:00 A.M in the office chamber of the Home Commissioner.

AND WHEREAS, referring to her RTI application dated 01/07/2022 which was received by the public authority on 04/07/2022, Shri. Lhouchalie Viya, IAS, Secretary & PIO, NSDMA, Home Department had, again vide letter **No.NSDMA/RTI/274/2019(Pt.II)/6786** dated **28/09/2022** conveyed to the applicant regretting that NSDMA was constrained to furnish the information sought by her quoting the Hon'ble Madras High Court decision in the matter of N. Saravanan Vs. Chief Commissioner, Tamilnadu, SIC, W.P (MD) No. 4336 of 2017 dated 15/03/2017, wherein it was observed that “ *the laudable objects of the RTI Act cannot be used for personal ends and should not become a tool in the hands of the advocate for seeking all kinds of information in order to promote his practice*”, and therefore, requested the applicant to consider and accept the limitations of NSDMA to provide the information of your interest based on the decision of the Hon'ble Court.

AND WHEREAS, on non-furnishing of the information by the PIO to his RTI application and subsequent First Appeal, the applicant had submitted Second Appeal to the Nagaland Information Commission dated **29/09/2022**.

AND WHEREAS, on receipt of the notice for first appeal hearing Smti. Nuksungtila, had, vide letter dated **01/10/2022** conveyed her regret to attend the first appeal hearing stating that she had preferred an second appeal before the State Information Commissions and was not in a position to appear before the FAA.

AND WHEREAS, since the appellant did not turn up for the hearing, the hearing was pronounced ex-parte vide Decision **No.NSDMA/RTI/274/2019(Pt-II)/6820** dated **03/10/2022** wherein the FAA had disposed the appeal stating that the RTI applicant is a practising advocate and the decision of the Hon'ble Madras High Court decision in the matter of N. Saravanan Vs. Chief Commissioner, Tamilnadu, SIC, W.P (MD) No. 4336 of 2017 dated 15/03/2017.

AND WHEREAS, relying on the above Hon'ble Madras High Court decision since the applicant (now appellant) was denied information by the PIO and also by the FAA, the Commission has decided to hear the above mentioned appeal by giving opportunity of being heard to all the parties on **26th October, 2022 (Wednesday) at 11:00 A.M in the Hearing Room of Nagaland Information Commission, Agri-farm Colony, Lane-6, H/No. AFC/578, Nagaland, Kohima.**

NOW THEREFORE, it is notified that 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 with preventive measures such as wearing of face mask and social distancing etc.

1. Shri. Abhijit Sinha, IAS, Home Commissioner & First Appellate Authority, NSMDA, Home Department, Nagaland, Kohima.
2. Shri. Lhouchalie Viya, IAS, Secretary & PIO, NSDMA, Home Department, Nagaland, Kohima.
3. The applicant (now appellant) Smti. Nuksungtila, The Chambers, Advocates, Agri-Farm Colony, Kohima, Nagaland, Mb- 9862375703.

Sd/-

I.MEYIONEN JAMIR

Chief Information Commissioner

No. NIC/ APPEAL-34/2022-23

Dated Kohima, the 13th October, 2022

Copy to:

1. The PS to the Chief Information Commissioner, Nagaland Information Commission for kind information of the CIC.
2. Shri. Abhijit Sinha, IAS, Home Commissioner & First Appellate Authority, NSMDA, Home Department, Nagaland, Kohima.
3. Shri. Lhouchalie Viya, IAS, Secretary & PIO, NSDMA, Home Department, Nagaland, Kohima.
4. The applicant (now appellant) Smti. Nuksungtila, The Chambers, Advocates, Agri-Farm Colony, Kohima, Nagaland, Mb- 9862375703.
5. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
6. Office Copy.

(WORHONTHUNG EZUNG)

Deputy Secretary

Nagaland Information Commission