

**No. NIC/APPEAL-46/2022-23**

**Dated Kohima, the 3<sup>rd</sup> March, 2023**

**Subject: Notice for Hearing on 15<sup>th</sup> March, 2023 (Wednesday) at 01:30 PM**

WHEREAS, the Commission had received a Second Appeal dated **03.02.2023** from Shri. *Avituo, Shri. Atuolie, Shri. Asa, and Shri. Akum*, Ph. No. 936692557 against rejection of their First Appeal dated **29.11.2022** by the FAA, NSDMA, Home Department, Nagaland to their First Appeal which was filed against the denial of information by the PIO & NO, NSDMA, Home Department, Nagaland to their RTI application dated **18.10.2022**.

AND WHEREAS, the applicants had submitted an RTI application dated **18.10.2022** addressed to the PIO, NSDMA, Nagaland, Kohima and along with an application fee of Rs. 10/- seeking the following information regarding district/ block-wise of project/ activities undertaken by NSDMA of NDRF & SDRF from 2018 till date: -

1. *Detail statement of fund sanctioned by finance Commission GoI for the year 2018-19-20-21-22 (Yearly).*
2. *From 2018-19, 2019-20, 2020-21, 2021-22, be furnished in detail along with the amount utilized and the remaining balance.*
3. *Name of village and project along with specific location of the project.*
4. *Name of beneficiaries and amount sanctioned for each beneficiaries/ project/ activity.*
5. *Xerox copy of Aadhaar and utilization certificate.*
6. *Actual payment receipt (APR).*
7. *List of cheques issued against each beneficiaries/ project/ activity.*

AND WHEREAS, on receipt of the above RTI application, Shri. *Thejangulie Zao*, PIO & NO, NSDMA, Home Department, Nagaland had, vide **No. NSDMA/RTI/274-1004/2019/3044** dated **15.11.2022**, denied the applicants of the information sought stating that: -

*“under Section 3 of the RTI Act confers Right to Information to all citizens. Section 6(1) further provides that a ‘person’ who desires to obtain information under the Act shall make a request in writing. The legislature in its wisdom has used the word ‘person’ to denote an applicant, appellant or complainant in various Sections viz., 5(1), 6(1), 6(2), 7(1), 7(3), 7(4), 7(5), 7(6), 7(8), 8(3), 18(1), 19(1) and 26(2).”*

*A conjunctive reading of all these Sections, especially section-3 with 6(1), would make it clear that a Citizen as a person can seek public information. A “Citizen”, under the Constitution Part II, that deals with “citizenship” can only be a natural born person and it does not even by implication include a legal or a juristic person like the corporation, banks. (Prabhakar S. yende v PIO, Mapusa, Municipal Council, Goa). Section 2(1) of the Citizenship Act defines that a “person” does not include a company, an association or a body of individuals whether incorporated or not.*

*You (in this case, **a group of individuals**) are therefore requested to consider and accept the limitations of NSDMA to provide you with the information of your interest based on the above provisions of the RTI Act, 2005.*

AND WHEREAS, on being denied of information by the PIO, the applicants had submitted a First Appeal dated **29.11.2022** to the FAA, NSDMA, Home Department, Nagaland for intervention and necessary action.

AND WHEREAS, on receipt of the First Appeal, the FAA had, vide Notice **No. NSDMA/RTI/274-1004/2019/3186** dated **21.12.2022**, notified for a hearing of the First Appeal on **16.01.2023** at **12:00 PM** in the conference room of the NSDMA.

AND WHEREAS, after hearing of the First Appeal on **16.01.2023**, the FAA had, citing the above mentioned sections of the RTI Act, 2005, rejected the Appeal, thus denied furnishing of the information sought.

AND WHEREAS, on being not satisfied with the FAA, the applicants (now appellants) had preferred Second Appeal dated **03.02.2023** to the Commission.

AND WHEREAS, since the applicants (now appellants) were aggrieved by the FAA and PIO by denying furnishing of the information, the Commission has decided to hear the above mentioned Appeal giving opportunity of being heard to all the parties on **15<sup>th</sup> March, 2023 (Wednesday) at 01:30 PM** 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 also requested to attend the hearing with preventive measures such as wearing of face mask and social distancing, etc.

1. The **First Appellate Authority**, NSDMA, Home Department, Nagaland, Kohima.
2. The **PIO**, NSDMA, Home Department, Nagaland, Kohima.
3. The applicants (now appellants), Shri. **Avituo**, Shri. **Atuolie**, Shri. **Asa**, and Shri. **Akum**, Ph. No. 936692557.

Sd/- **I.MEYIONEN JAMIR**  
Chief Information Commissioner  
Nagaland

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**Dated Kohima, the 3<sup>rd</sup> March, 2023**

Copy to:

1. The PS to the Chief Information Commissioner, Nagaland, for kind information of the CIC.
2. The PA to SIC (N), for kind information of the State Information Commissioner.
3. The PA to SIC (K), for kind information of the State Information Commissioner.
4. The First Appellate Authority, NSDMA, Home Department, Nagaland, Kohima.
5. The PIO, NSDMA, Home Department, Nagaland, Kohima.
4. The applicants (now appellants), Shri. Avituo, Shri. Atuolie, Shri. Asa, and Shri. Akum, Ph. No. 936692557.
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