

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

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No. NIC/APPEAL-34/2022-23

/1950

Dated Kohima, the 24th April, 2023

Appellant : Smti. Nuksungtila,
The Chambers, Advocates,
Agri-Farm Colony,
Kohima, Nagaland, Mobile No. 9862375703.

Respondents : (i) Shri. Abhijit Simha, IAS,
Home Commissioner,
Home Department,
Nagaland, Kohima
(ii) Shri. Lhouchalie Viya, IAS,
Commissioner & Secretary,
Home Department (NSDMA),
Nagaland, Kohima

Public Authority : Home Department (NSDMA), Nagaland, Kohima.

Date of first hearing : 26.10.2022 at 11:00 AM.

Date of first Decision : 04.11.2022

Date of second hearing : 19.04.2023 at 12:00 Noon.

Date of second Decision : 24.04.2023.

Present:

1. Shri. Lhouchalie Viya, IAS, Commissioner & Secretary, NSDMA, Home Department, Nagaland, Kohima, Mobile No 7085053755.
2. Shri. Temsuwangshi Jamir, Assistant Manager(Research & Planning), NSDMA, Home Department, Nagaland, Kohima, Mobile No. 8974539125.
3. Shri. Thejangulie Zao, Assistant Manager, NSDMA, Home Department, Nagaland, Kohima, Mobile No. 9436282824.
4. Shri. Kevisede Usou, Section Assistant(Research & Planning), NSDMA, Home Department, Nagaland, Kohima, Mobile No. 7204242480.
5. The applicant (now appellant), Smti. Nuksungtila, The Chambers, Advocates, Agri-Farm Colony, Kohima, Nagaland, Mobile No. 9862375703.

FACT OF THE CASE

The Commission had on 26.10.2022 at 11:00 AM, heard the Second Appeal dated 29.09.2022 submitted by Smti. Nuksungtila, The Chambers, Advocates, Agri-Farm Colony, Kohima, Nagaland, Mb- 9862375703, against the 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.

After the hearing, the Commission had passed decision vide letter of even No. Dated 04.11.2022. In compliance to **Decision No. 1** of the Commission dated 04.11.2022, the PIO had, vide letter No. NSDMA/RTI/274/2019(Pl.II)/3079 dated 25.11.2022, furnished the information to the applicant (now appellant).

In compliance to **Decision No. 2** of the Commission dated 04.11.2022, the applicant (now appellant) had, vide letter dated 10.12.2022, submitted to the PIO and with a copy to the Commission, stating that she had received the information on 26.11.2022 at 05:29 PM and that after thorough examination, she was not satisfied with the information.

On receipt of the above letter dated 10.12.2022 from the applicant (now appellant), the Commission had, vide No. NIC/APPEAL-34/2022-23/1835 dated 19.12.2022 directed the applicant (now appellant) to specify the areas of the information received from the PIO wherever it was not satisfied on or before 15.01.2023 for further necessary action.

The PIO had, vide letter No. NSDMA/RTI/274/2019(Pt.II)/3171 dated 19.12.2022, submitted to the Commission and with a copy to the applicant (now appellant) that the above letter dated 10.12.2022 regarding her non-satisfaction of the information was received by the department only on 12.12.2022 after a lapse of the stipulated time frame of 15 (fifteen) days and therefore, the case is presumed as satisfied and closed.

In reply to the above directive of the Commission, the applicant (now appellant) had, vide letter dated 13.01.2023, submitted to the Commission, pointing out the areas where she was not satisfied with the reply of the PIO against **query Nos. 4, 5, 6, 9, 11, and 15** of her RTI application.

And in compliance to **Decision No. 3** of the Commission dated 04.11.2022, the PIO had, vide letter No. NSDMA/RTI/274/2019(Pt.II)/3065 dated 22.11.2022, submitted to the Commission a copy of Treasury Challan No. 33 dated 21.11.2022 regarding the payment of penalty amounting to Rs. 21,000/- only which was imposed on him for contributing to the delay in furnishing the information to the applicants.

Since the applicant (now appellant) is dissatisfied, the Commission has once again, decided to hear the above mentioned appeal by giving opportunity of being heard to all the parties on 15th March, 2023 (Wednesday) at 01:00 PM in the Hearing Room of Nagaland Information Commission, Agri-farm Colony, Lane-6, H/No. AFC/578, Nagaland, Kohima and had also directed the following parties 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.

However, the applicant (now appellant), Smti. Nuksungtila had, vide letter dated 14.03.2023, submitted to the Commission, a prayer for adjournment of the above hearing for a period of 1 (one) week due to ill health.

The Commission had accepted her above request and hence, decided to reschedule the hearing of the appeal to **19th April, 2023 (Wednesday) at 12:00 Noon.**

OBSERVATIONS AND FINDINGS

During the hearing, the Commission had received a Notification No. NSDMA/RTI/274/2019(Pt.III)/387 dated 18.04.2023 issued by the Home Department, NSDMA regarding designating of FAA, PIO and APIO as shown below:-

1. Shri. Lhouchalie Viya, IAS, Commissioner & Secretary, NSDMA, Home Department, Nagaland, Kohima as the new FAA;
2. Shri. Temsuwangshi Jamir, Assistant Manager(Research & Planning), NSDMA, Home Department, Nagaland, Kohima as the PIO; and
3. Shri. Kevisede Usou, Section Assistant(Research & Planning), NSDMA, Home Department, Nagaland, Kohima as the APIO.

The Commission informed that only **query Nos. 4, 5, 6, 9, 11, and 15** shall be taken up during the second hearing since the applicant (now appellant) had, in her letter dated **13.01.2023** submitted non-satisfaction with the reply of the PIO against the aforementioned query Nos. (i.e. 4, 5, 6, 9, 11, and 15) of her RTI application.

During the hearing, the applicant(now the appellant) stated that she was not satisfied with the information since the public authority has been giving the excuse that the NSDMA was destroyed during the February 2017 Arson (public protest) where the State Emergency Operations Centre (hereafter SEOC) was burnt down along with all documents and equipments and only a copy of the FIR and the information from the period 2017 onwards were furnished even though she had sought the information from 2013 till 2021. She stated that the NSDMA is the administrative office and as per the NSDMA website, the Authority started in 2011 and was functioning in the New Secretariat, whereas the SEOC which was located in the Old Secretariat is not the administrative office but for operations during emergencies and was burnt down in the 2017 arson (public protest). She further stated that all Sanction Orders were addressed to the NSDMA and not to the SEOC, and all Utilisation Certificates were also forwarded by the NSDMA. She moreover, stated that on perusal of the documents, copies for SEOC were all ticked marked indicating that records still exists in the SEOC.

The applicant(now the appellant) stated that instead of cash memos and bills, the list of empanelled contractors and suppliers was furnished. She had also pointed out that funds had been drawn against landslides in Nuiland which is a plain area. Had it been flood, it was logical and understandable however she questioned how landslide can take place in a low plain area like Nuiland?

Shri. Temsuwangshi Jamir, Assistant Manager(Research & Planning) & PIO, NSDMA, Home Department, Nagaland, Kohima clarified that during initial years, the NSDMA and SEOC were functioning in parallel in the Old Secretariat, however, later in 2017 the NSDMA office was shifted to the new Secretariat. Regarding the landslide in Nuiland, the PIO clarified that this information was what the Nuiland District Administration had submitted.

DECISION

On the above observations and findings, the Commission decided that the PIO shall search the records and re-furnish the information from 2013 to 2017 to the applicant (now appellant) **within 45 days** from the date of receipt of this decision and with a copy to this Commission.

Decision pronounced in the presence of both the parties on 19.04.2023 at 12:00 Noon.

Copies be given to:

1. Shri. Lhouchalie Viya, IAS, Commissioner & Secretary & FAA, NSDMA, Home Department, Nagaland, Kohima, Mobile No 7085053755.
2. Shri. Temsuwangshi Jamir, Assistant Manager(Research & Planning) & PIO, NSDMA, Home Department, Nagaland, Kohima, Mobile No. 8974539125.
3. Shri. Kevisede Usou, Section Assistant(Research & Planning) & APIO, NSDMA, Home Department, Nagaland, Kohima, Mobile No. 7204242480.
4. The Computer Programmer, Nagaland Information Commission for uploading on the website.
5. The applicant (now appellant), Smti. Nuksungtila, The Chambers, Advocates, Agri-Farm Colony, Kohima, Nagaland, Mb- 9862375703.
6. Office Copy.

Sd/-

I. MEYIONEN JAMIR
Chief Information Commissioner

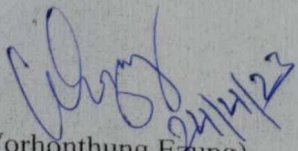
Sd/-

NOSAZOL CHARLES
State Information Commissioner

Sd/-

T. KEKONGCHIM YIMKHIUNG
State Information Commissioner

Authenticated true copy:


(Worhonthung Ezung)
Deputy Secretary