

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

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No. NIC/APPEAL-46/2022-23

1947

Dated Kohima, the 20th April, 2023

Appellants : i) Shri. Avituo,
ii) Shri. Atuolie,
iii) Shri. Asa, and
iv) Shri. Akum, Mobile No. 936692557.

Respondents : (i) Shri. Abhijit Sinha, 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 : 15.03.2023 at 12:00 Noon.

Date of first Decision : 20.03.2023.

Date of second hearing : 19.04.2023 at 11:30 AM.

Date of second Decision : 20.04.2023.

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, NSDMA, Home Department, Nagaland, Kohima, Mobile No. 7204242480.
5. The applicants (now appellants), Shri. Atuolie, Shri. Avituo, Shri. Asa and Shri. Akum, Mobile No. 936692557.

FACT OF THE CASE

The Commission had, on 15.03.2023 at 01:30 PM, heard the Second Appeal dated 03.02.2023 submitted by Shri. Avituo, Shri. Atuolie, Shri. Asa, and Shri. Akum, Mobile No. 936692557, and after the hearing, reserved its decision vide decision of even No. dated 20.03.2023 since the rightful FAA & PIO did not appear for the above hearing.

The Commission has decided to hear the appeal again, giving opportunity of being heard to both the parties on *19th April, 2023 (Wednesday)* at *11:30 AM* 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 applicants (now appellants) Shri. *Avituo*, Shri. *Atuolie*, Shri. *Asa*, and Shri. *Akum*, Mb. No. 9336692557.

OBSERVATIONS AND FINDINGS

All the four applicants (now appellants), Shri. Avituo, Shri. Atuolie, Shri. Asa, and Shri. Akum had appeared for the hearing.

After the first hearing held on 15.03.2023, the Commission had in its decision dated 20.03.2023 observed that though the FAA had notified for a hearing of the First Appeal on 16.01.2023 at 12:00 PM in the conference room of the NSDMA, no copy of the FAA's decision was received. Of late, the public authority had, vide letter No. NSDMA/RTI/274-1004/2019/302 dated **29.03.2023** forwarded a copy of the FAA's decision passed vide No. NSDMA/RTI/274-1004/2019/111 dated **17.01.2023**, wherein the FAA had over ruled the PIO, relying on CIC Decision No. CIC/SG/A/2010/001429 in the matter of Mr. Samir Kumar Haldar vs PIO, Employees Provident Fund Organisation citing that, "*The PIO's rejection was completely wrong since there is nothing in the law or the rules preventing more than one citizen from submitting the RTI application.*" Hence, the FAA directed the PIO to furnish the information to the applicant **within 20 days** from the date of hearing with **no such cost** to the appellant. However, the applicants(now appellants) stated that they had not received the information even after the FAA's decision.

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.

Shri. Temsuwangshi Jamir, Assistant Manager(Research & Planning) & PIO, NSDMA, Home Department, Nagaland, Kohima stated that the information was readied and had contacted the applicants(now appellants) to collect the information, however, they did not come to collect.

The Commission pointed out that though the applicants had in query No. 5 sought for "Xerox copy of the Aadhaar" (of the beneficiaries), it need not be disclosed since Aadhaar contains personal details and moreover, disclosing of such Aadhaar numbers of individuals do not have any public interest. Hence, this part of information cannot be disclosed, however, the second part of the same query at Sl. No. 5 i.e. Utilisation Certificates can be furnished.

The PIO also stated that a copy of the information without the Aadhaar numbers was produced before the Commission during the hearing.

The Commission ordered that the information be hand over to the applicants(now appellants) **free of cost**.

The Commission observed that there was no delay in furnishing the information to the applicants(now appellants) and hence no penalty was attracted.

DECISION

On the above observations and findings, the Commission decided that since the information had been received by the applicants(now appellants) during the hearing, after examination of the information, the applicants(now appellants) shall submit satisfaction or non-

satisfaction to the PIO and with a copy to this Commission within fifteen (15) days from the date of receipt of this decision.

Decision pronounced in the presence of both the parties on 19.04.2023 at 11:30 AM.

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 applicants (now appellants), Shri. Avituo, Shri. Atuolie, Shri. Asa, and Shri. Akum, Mobile No. 936692557.
6. Office Copy.

Sd/-

I. MEYIONEN JAMIR

Chief Information Commissioner

Sd/-

NOSAZOL CHARLES

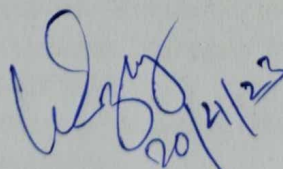
State Information Commissioner

Sd/-

T. KEKONGCHIM YIMKHIUNG

State Information Commissioner

Authenticated true copy:


(Worhonthung Ezung)
Deputy Secretary