

C/P

NAGALAND INFORMATION COMMISSION
NAGALAND COMMISSIONS' COMPLEX
POST BOX NO. 148
NAGALAND, KOHIMA-797001



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No. NIC/APPEAL-5/2023-24

Dated Kohima, the 12th July, 2023.

Subject: Rejection of Appeal and closing order thereof.

WHEREAS, the Nagaland Information Commission had, on *08/06/2023* received a Second Appeal dated *08/06/2023* from Smti. Obangnenla Longchar, Advocate, I. Imti Longchar & Associates, B3, Basement, West Road Mall, Jail Colony, Kohima- 797001, Mobile No- 7760193645 against the non-satisfaction of the decision of the Director & FAA, Printing & Stationary, Nagaland, Kohima to her first appeal dated *15/03/2023*, which was submitted against the for non-furnishing of information to her RTI application dated *15/12/2022*.

AND WHEREAS, an applicant, Smti. Obangnenla Longchar had submitted an RTI application dated *15/12/2022* addressed to the PIO, Office of the Home Commissioner, Printing & Stationary, Nagaland, Kohima, along with Rs. 10/- as application fee, seeking the following information;

a) *Sanction Order No.PSTY-26/79 (PT) dated 09/06/1999.*

AND WHEREAS, on receipt of the RTI application, Smti. Margaret Kerhu-o, Deputy Secretary to the Govt. of Nagaland, Home Department, Printing & Stationary Branch had, vide letter *NO. PSTY/RTI-14/2015/422* dated *25/01/2023* transferred the RTI application to the Director, Printing & Stationary, Nagaland, Kohima, with a request to furnish the requisite information to the applicant and with a copy to the Department for office record.

AND WHEREAS, on receipt of the RTI application, Shri. I. Moatenjen Jamir, Addl. Director & PIO, Directorate of Printing & Stationary, Nagaland, Kohima had, vide letter *NO. NGP/EST/383/2018-19(Pt-II)/488* dated *16/02/2023* informed the applicant that the information sought could not be located at that moment and would be intimated as and when the file is traced out.

AND WHEREAS, on not being satisfied with the reply of the PIO, Printing & Stationary, Nagaland, Kohima the applicant had, vide letter No. NIL dated *15/03/2023* filed first appeal to the FAA, Office of the Home Commissioner, Printing & Stationary Branch, Nagaland, Kohima.

AND WHEREAS, on receipt of the first appeal, Shri. Neituolie Phewhuo, Director & FAA, Printing & Stationary, Nagaland, Kohima had, vide letter *NO. NGP/EST/383/2018-19/ (Pt-II)/581* dated *24/04/2023* summoned the parties for first appeal hearing on *26/04/2023* at *01:30 P.M* in the office chamber of the Director & FAA.

AND WHEREAS, after hearing of the first appeal dated *15/03/2023*, Shri. Neituolie Phewhuo, Director & FAA, Printing & Stationary, Nagaland, Kohima had, vide letter *NO. NGP/EST/383/2018-19/ (Pt-II)/588* dated *26/04/2023* submitted Action Taken Report/ Decision on the First appeal hearing to the Home Commissioner, Home Department (Printing & Stationary Branch) and with a copy to the applicant stating that the sought information could not be located as it pertains to the Secretariat Office, Home Department (Printing & Stationary Branch) however he had assured to the applicant that the sought information would be furnished as and when the information is traced out.

AND WHEREAS, on not being satisfied with the above decision of the FAA on his first appeal, the applicant (now appellent) had submitted second appeal dated *08/06/2023* to the Nagaland Information Commission.

AND WHEREAS, on receipt of the Second Appeal dated 08/06/2023 on the same date i.e 08/06/2023, the Commission had examined it and relying on the Judgement passed in W.P (MD) No. 4336 of 2017 dated 15/03/2017 before the Madurai Bench of Madras High Court, this Commission is also convinced and satisfied that the said applicant (now appellant) is also a practising advocate and hence decided to reject the Second Appeal. An extract of the above mentioned Madras High Court judgment is reproduced here below:-

"4. The first respondent dismissed the appeal on the premises that the petitioner being a practising advocate cannot seek information relating to the case instituted by him on behalf of his client. As a citizen he can personally ask for information but not as an advocate on behalf of his client. The reasoning given by the first respondent cannot be faulted at all. The second appeal filed by the petitioner has been rightly rejected, as otherwise, every practising advocate would invoke the provision of the RTI, Act for getting information on behalf of his client, which situation does not advance the objects of the scheme of the RTI Act. 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 practise".

NOW THEREFORE, it is notified to the following parties that the Appeal is hereby **rejected** and hence declared as **closed**:-

1. Shri. Neituolie Phewhuo, Director & FAA, Printing & Stationary, Nagaland, Kohima- 797001.
2. Shri. I. Moatemjen Jamir, Addl. Director & PIO, Printing & Stationary, Nagaland, Kohima- 797001.
3. The applicant (now appellant), Smti. Obangnenla Longchar, Advocate, I. Imti Longchar & Associates, B3, Basement, West Road Mall, Jail Colony, Kohima- 797001, Mb- 7760193645.

Sd/-

I.MEYIONEN JAMIR

Chief Information Commissioner

No. NIC/APPEAL-5/2023-24 / 47

Dated Kohima, the 12th July, 2023.

Copy to:

1. The PS to the Chief Information Commissioner, Nagaland Information Commission for kind information of the CIC.
2. The PA to the State Information Commissioner, Nagaland Information Commission for kind information of the SIC(N).
3. The PA to the State Information Commissioner, Nagaland Information Commission for kind information of the SIC(K).
4. Shri. Neituolie Phewhuo, Director & FAA, Printing & Stationary, Nagaland, Kohima- 797001.
5. Shri. I. Moatemjen Jamir, Addl. Director & PIO, Printing & Stationary, Nagaland, Kohima- 797001.
6. The Computer Programmer, Nagaland Information Commission for uploading on the website.
7. The applicant (now appellant), Smti. Obangnenla Longchar, Advocate, I. Imti Longchar & Associates, B3, Basement, West Road Mall, Jail Colony, Kohima- 797001, Mb- 7760193645.
8. Office Copy.



(WORHONTHUNG EZUNG)

Deputy Secretary

Nagaland Information Commission