

NAGALAND INFORMATION COMMISSION

Nagaland Commissions' Complex

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No. NIC/APPEAL-8/2023-24 / 84

Dated Kohima, the 9th August, 2023

Subject: Notice for Hearing on 22nd August, 2023 (Tuesday) at 11:00 A.M.

WHEREAS, the Commission had, on **18.07.2023**, received a Second Appeal dated **NIL** from Shri. **Inato & Associates**, Social Activist, Mobile Nos. 9863302011/ 7005960261 against the unsatisfactory response of the FAA in response to their First Appeal dated **NIL**, which was submitted against the non-response of the PIO to their RTI application dated **NIL**.

AND WHEREAS, the applicants had submitted an RTI application dated **NIL** along with application fee of Rs. 10/- addressed to the PIO, NSDMA, Nagaland seeking the following information pertaining to **Additional Drought Relief Fund** from 2020 till date: -

1. Kindly furnish total amount of money received from both the central and state?
2. Give an abstract the list of the beneficiaries, total amount received per beneficiaries, cheque leaves, and relevant documents of beneficiaries?
3. Kindly furnish the sanction order, utilization certificate, and completion certificate countersigned by the concern officer to support the claim?
4. Kindly furnish the pictographically proof of the project, naming the list of the beneficiaries, locations with its proper Geo-tagging assets?

AND WHEREAS, the above RTI application was received by the Department vide Receipt No. 23-98 dated 06.02.2023 of the Home Department, DM Branch, as evidenced on the body of the application.

AND WHEREAS, on the failure of the PIO to respond to the above RTI application even after expiry of the stipulated time period of 30 days, the applicants had submitted a First Appeal dated **NIL** to the FAA, NSDMA, Nagaland, which the Department had received on **16.03.2023** vide Receipt No. 23-113 of the Home Department, DM Branch as evidenced on the body of the First Appeal.

AND WHEREAS, on receipt of the First Appeal, Shri. **Lhouchalie Viya, IAS**, Commissioner & Secretary & FAA, NSDMA, Home Department, Nagaland had heard the appeal on **26.04.2023** at 12:00 noon in the presence of the appellants, PIO and APIO and after the hearing, passed decision on the matter vide letter No. **NSDMA/RTI/274-1013/2019/431** dated **27.04.2023** stating the following as reproduced below:-

3. The Appellate Authority noted that the PIO had delayed furnishing the information as the concerned officer was undergoing medical treatment. Appellate Authority observed that the information should be furnished within the time limit as enshrined in the RTI Act, however if there is delay or difficulty the applicants should have been informed but due to the reason stated by the PIO, the said could not be communicated.
4. The Appellate Authority observed that personal information as sought in point 1,2 and 4 of their RTI application cannot be furnished by the PIO/NSDMA as per Section 8 (1) (j) of the RTI, Act, 2005. Appellate Authority also observed that the information sought in point 4 of their RTI application is not applicable as the Drought Relief Fund received by NSDMA is not an infrastructural development fund. Hence forth, the Appellate Authority directed PIO, NSDMA to furnish information which is readily available as sought in their RTI application.

5. The appellate authority after further discussion/ deliberation gave a decision that the PIO, NSDMA is to provide information on or before 05/05/2023 free of cost to the appellants. The above appeal stands disposed of.

AND WHEREAS, in compliance to the above decision of the FAA, Shri. **Temsuwangshi Jamir**, PIO & NO, NSDMA, Home Department, Nagaland had, vide letter No. **NSDMA/RTI/274-1013/2019/438** dated **02.05.2023**, furnished the information to the applicants (now appellants).

AND WHEREAS, on being dissatisfied with the information furnished by the PIO, NSDMA, the applicants (now appellants) had submitted a Second Appeal dated **NIL** before the Commission seeking stating that the information which was received on 11.05.2023 was "*completely vague and comprehensive and is leading to obfuscation and buffling the applicant to hide around the bushes, the applicants seek for Additional Drought Fund from 2020 till date, where as the furnished information was on various other relief funds.*" Moreover, since the information sought in regard to the said scheme is "*vividly a public welfare scheme*" and denying disclosure under Section 8(1) (j) of the RTI Act, 2005 does not apply but amount to misuse by the Department.

AND WHEREAS, since the applicants (now appellants) are dissatisfied, the Commission has decided to hear the above mentioned appeal by giving opportunity of being heard to all the parties on **22nd August, 2023 (Tuesday) at 11:00 A.M in the Hearing Room of the Nagaland Information Commission, Nagaland Commissions' Complex, 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.

1. Shri. **Lhouchalie Viya, IAS**, Commissioner & Secretary & FAA, NSDMA, Home Department, Nagaland, Kohima.
2. Shri. **Temsuwangshi Jamir**, PIO & NO, NSDMA, Home Department, Nagaland, Kohima.
3. The applicant (now appellant), Shri. **Inato & Associates**, Social Activist, Mobile Nos. 9863302011/ 7005960261.

Sd/-

I.MEYIONEN JAMIR
Chief Information Commissioner

No. **NIC/APPEAL-8/2023-24**

Dated Kohima, the **9th August, 2023**

Copy to:

1. The PS to the CIC for kind information of the Chief Information Commissioner.
2. The PA to the SIC (N) for kind information of the State Information Commissioner.
3. The PA to the SIC (K) for kind information of the State Information Commissioner.
4. Shri. Lhouchalie Viya, IAS, Commissioner & Secretary & FAA, NSDMA, Home Department, Nagaland, Kohima.
5. Shri. Temsuwangshi Jamir, PIO & NO, NSDMA, Home Department, Nagaland, Kohima.
6. The applicant (now appellant), Shri. Inato & Associates, Social Activist, Mobile Nos. 9863302011/ 7005960261.
7. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
8. Office Copy.

(WORHONTHUNG EZUNG)
Deputy Secretary
Nagaland Information Commission