

No. NIC/APPEAL-40/2022-23 / 1915

Dated Kohima, the 20<sup>th</sup> March, 2023

- Appellants : i) Shri. Honoto I. Yeptho,  
Mobile No. 8575387880, and  
ii) Shri. Ikato Sumi,  
Mobile No. 8794230133
- Respondents : (i) Shri. Abhijit Sinha, IAS,  
Home Commissioner & First Appellate Authority,  
Home Department,  
Nagaland, Kohima  
(ii) Shri. Lhouchalie Viya, IAS,  
Secretary & PIO,  
Home Department (NSDMA),  
Nagaland, Kohima
- Public Authority : Home Department (NSDMA), Nagaland, Kohima.
- Date of first hearing : 19.01.2023 at 12:00 Noon.
- Date of first Decision : 20.01.2023.
- Date of second hearing : 15.03.2023 at 12:00 Noon.
- Date of second Decision : 20.03.2023.

**Present:**

1. Shri. Lhouchalie Viya, IAS, Commissioner & Secretary, NSDMA, Home Department, Nagaland, Kohima, Mobile No 7085053755.
2. Shri. Thejangulie Zao, Assistant Manager, NSDMA, Home Department, Nagaland, Kohima, Mobile No. 9436282824.
3. Shri. Kevisede Usou, Section Assistant, NSDMA, Home Department, Nagaland, Kohima, Mobile No. 7204242480.
4. The applicants (now appellants), Shri. **Honoto I. Yeptho**, Mobile No. 8575387880 and Shri. **Ikato Sumi**, Mobile No. 8794230133.

**The following did not appear for the hearing:**

1. Shri. Abhijit Sinha, IAS, Home Commissioner & First Appellate Authority, NSDMA, Home Department, Nagaland, Kohima.
2. Shri. Temsuwangshi Jamir, Assistant Manager, NSDMA, Home Department, Nagaland, Kohima, Mobile No. 8974539125.

**FACT OF THE CASE**

The Commission had, on 19.01.2023 at 12:00 Noon, heard the Second Appeal dated 18.11.2022 submitted by Shri. Honoto I. Yeptho, Mb. No. 8575387880, and Shri. Ikato Sumi, Mb. No. 8794230133, and after the hearing, **reserved its decision** vide decision of even No. dated 20.01.2023 since the rightful FAA & PIO did not appear for the above hearing.

The Commission had, vide letter No. NSDMA/RTI/274-1000/2019/171 dated 15.02.2023, received the decision of the FAA dated 05.08.2022, submitted by Shri. Lhouchalie Viya, IAS, Commissioner & Secretary, NSDMA, Nagaland, Kohima.

The Commission has decided to hear the appeal again, giving opportunity of being heard to both the parties on **15<sup>th</sup> March, 2023 (Wednesday)** at **12:00 Noon** 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. *Honoto I. Yeptho*, Mb- 8575387880 and Shri. *Ikato Sumi*, Mb- 8794230133.

### **OBSERVATIONS AND FINDINGS:**

Shri. Lhouchalie Viya, IAS, Commissioner & Secretary, NSDMA, Home Department, Nagaland, Kohima had appeared for the hearing. The Commission had, during the hearing received a letter No. NSDMA/RTI/274/2019(Pt. II)/243 dated 13.03.2023 from Shri. Lhouchalie Viya, IAS, Commissioner & Secretary, NSDMA, Home Department, Nagaland, Kohima the NSDMA informing that Shri. Abhijit Sinha, IAS, Principal Secretary to the Chief Minister and Development Commissioner, Nagaland was out of station and had enclosed Notification No. PAR-A/11/2000-AIS dated 03.08.2022 regarding ex-post facto grant of three (3) days of Earned Leave from 14<sup>th</sup> to 16<sup>th</sup> July, 2022 to Shri. Abhijit Sinha, IAS, Home Commissioner.

During the hearing, the applicants (now appellants) stated that they had received the information, however, they were not satisfied since there were some financial discrepancy in the amount in respect to the management of SDRF and NDRF funds, meant for financial assistance to the victims of various disaster related calamities and incidents as indicated below:-

1. During the financial year 2020-21, an amount of Rs 1.335 cr (One crore thirty three lakh fifty thousand) was disbursed/released by the Ministry of Home Affairs, Govt. of India to Nagaland under NDRF, however, the NSDMA claimed that no fund was received under NDRF during the year 2020-21 till date.
2. During the financial year 2018-19, a total amount of Rs. 206.99 cr (Two hundred and Six Crore, ninety nine lakh) was disbursed from NDRF and SDRF (Central and State Shares). As per the document furnished by the department, an amount of 6,37,19,247/- (Six crores, thirty seven lakhs nineteen thousand two hundred and forty seven only) had been utilized by the department, however as per the Utilization Certificate submitted to GOI, balance available in the fund was 1.70 cr while the remaining balance is unaccounted.
3. During the financial year 2019-20, a total amount of Rs. 188.52 cr was disbursed from NDRF and SDRF (Central and State Shares) and as per the document furnished by the department, only an amount of Rs. 7,35,35,036/- has been utilized. However as per the financial statement furnished to Government. However as per the Utilization Certificate submitted to GOI, balance available in the fund was 88.26 cr while the remaining balance is unaccounted.
4. During the financial year 2020-21, an amount of Rs. 45.56 cr was disbursed as central and state share for financial assistance to the beneficiaries towards SDRF. However, as per the document furnished by the department, only an amount of Rs. 5,13,97,698/- has been utilized and Utilization Certificate submitted to GOI showed a balance available 0.50cr, while the remaining balance is unaccounted.
5. During the financial year 2021-22, an amount of Rs. 36.44 cr was disbursed as central and state share for financial assistance to the beneficiaries towards SDRF. As per the documents furnished by the department, only an amount of Rs. 1,25,25,820/- only has been utilized while the remaining balance is unaccounted.
6. No Utilization Certificate for the financial year 2021-22 was received. As per reply of the department, Utilization Certificate for the financial year 2021-22 is still in the process. However, as per the GOI, financial year ends on 31 March every year and as such all accounts should be closed and audited before the financial year 2022-23 starts.

Shri. Thejangulie Zao, Assistant Manager, NSDMA, stated that during the FAA hearing held on their first appeal on 04.08.2022, the applicants were shown all the files and had explained how the funds were utilised. However, the applicants were still not satisfied as the amount utilised was for the salary of the staff. He further explained that as per the guidelines, 20% was to be utilised for salary,



however, the applicants pointed out that 45% of Rs. 188 crores amounts to approximately Rs. 90 crores but only Rs. 7.5 crores was utilised for the purpose. Shri. Thejangulie Zao, Assistant Manager, NSDMA, replied that the amount of Rs. 188 crores was wrong and there are discrepancies in the figures and hence invited the applicants to his office so that he can show the records and explain to the applicants.

The Commission observed that specific information had already been furnished to the applicants as sought in their RTI application and the applicants (now appellants) had expressed satisfaction. However, on receipt of the information, some supplementary queries were raised since there were some anomalies in the figures, and for which the applicants were not satisfied.

The Respondents (NSDMA) who appeared for the first hearing on 19.01.2023 were reminded for the review of the Notification regarding the designation of FAA, PIO and APIO, however, even after the issue of notice for the second hearing on 03.03.2023, there was no update or compliance from the NSDMA. Referring to a recent Notification of the Agriculture Production Commissioner (henceforth APC), the Commission pointed out that the APC who is the senior most civil servant in the State was also designated as the FAA of APC like all other departments and the NSDMA is no exception. The Commission also viewed that the designating of junior officers as FAA, PIO or APIO in the NSDMA has not only made the junior officers as scapegoats but also mockery of the RTI Act.

The Commission viewed seriously the lackadaisical attitude of the NSDMA in not only dealing with RTI matters seriously but also in the non-compliance to the directives of the Commission, thus undermining the authority of the Commission. Therefore, the NSDMA is warned not to repeat or take casual attitude in future.

The Commission also observed that there was no delay, hence no penalty was attracted.

### DECISION

On the above observations and findings, the Commission decided that the PIO shall explain or clarify to the applicants (now appellants) the anomalies and discrepancies pointed out by them within the month of March. Thereafter the applicants (now appellants) shall submit satisfaction or non-satisfaction to the PIO and with a copy to the Commission within 15 (fifteen) days from the date of receipt of the information. In case, no confirmation is received from the applicants (now appellants) within the time frame given by the Commission, the case shall be presumed as satisfied and no further request to re-open the case shall be entertained.

Decision pronounced in the presence of both the parties on 19.01.2023 at 12:00 Noon.

Copies be given to:-

1. Shri. Abhijit Sinha, IAS, Home Commissioner & First Appellate Authority, NSMDA, Home Department, Nagaland, Kohima.
2. Shri. Lhouchalie Viya, IAS, the then Secretary & PIO, NSDMA, Home Department, Nagaland, Kohima.
3. The Computer Programmer, Nagaland Information Commission for uploading on the website.
4. The applicants (now appellants), Shri. Honoto I. Yeptho, Mobile No. 8575387880 and Shri. Ikato Sumi, Mobile No. 8794230133.
5. Office Copy.

Sd/-

**L. MEYIONEN JAMIR**  
Chief Information Commissioner

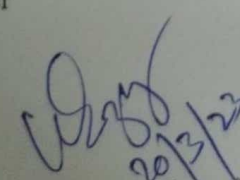
Sd/-

**NOSAZOL CHARLES**  
State Information Commissioner

Sd/-

**T. KEKONGCHIM YIMKHIUNG**  
State Information Commissioner

Authenticated true copy:

  
(Worhonthung Ezung)  
Deputy Secretary