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**NAGALAND INFORMATION COMMISSION**  
**NAGALAND COMMISSIONS' COMPLEX**  
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Nagaland: Kohima - 797004

Email: [cic.nagaland@gmail.com](mailto:cic.nagaland@gmail.com) | Website: [www.nlsic.nagaland.gov.in](http://www.nlsic.nagaland.gov.in)

No. NIC/APPEAL-13/2023-24

Dated Kohima, the 8<sup>th</sup> August, 2024.

**Subject: Closing Order of Appeal Case.**

WHEREAS, the Nagaland Information Commission had, under Section 19 (3) of the RTI Act, 2005, received a second appeal dated **14/09/2023** from Shri. Surjit Singh, O/o the Advocate General, Nagaland, Gauhati High Court, Gawahati- 781001, Mobile No- 9435108839 against the unsatisfactory decision of the FAA dated 19/07/2023 to his first appeal dated 15/02/2023 which was submitted against the denial of information by the PIO, Department of Justice & Law, Nagaland, Kohima to his RTI application dated **03/01/2023**.

AND WHEREAS, the applicant had submitted a RTI application dated **03/01/2023** addressed to the PIO, Department of Justice & Law, Nagaland, Kohima along with an application fee of Rs. 10 paid vide IPO No.55F 28283516 dated NIL seeking the following information regarding the File No.LAW-165/71(A) (Personal file of Shri. Surjit Singh) as below:-

1. Photocopy of Notesheets of File No.LAW-165/71(A) from Page No.81 onward, to till date.
2. Photocopy of all documents from (i.e Page 180 onward) till date of File No.LAW-165/7(A).

AND WHEREAS, on receipt of the RTI application, Shri. Wekou Mero, APIO & Deputy Secretary, Department of Law & Justice had, vide letter No.LAW/RTI/32/2015 dated 09/02/2023 furnished the information to the applicant for query No. (b) by enclosing photocopies of all the documents from page 180 till date as available in file No.LAW-165/71(A), however information to query No. (a) was denied citing exemption under Section 8(1) (j) of the RTI Act, 2005.

AND WHEREAS, on being dis-satisfied with the information provided by the PIO, the applicant had submitted first appeal dated **15/02/2023** addressed to the Secretary-cum-Appellate Authority, Department of Justice & Law, Nagaland, Kohima, enclosing Rs. 10 paid vide IPO No.55F 971464 dated NIL.

AND WHEREAS, on receipt of the first appeal dated 15/02/2023 on 09/03/2023, Shri. Ngamjok Konyak, the then Secretary & FAA had, vide letter No.LAW/RTI/32/2015/ dated **22/03/2023** summoned the parties for hearing of the first appeal on 30/03/2023 at 01:00 P.M.

AND WHEREAS, on receipt of the first appeal hearing notice dated 22/03/2023, the applicant (now appellant) had, vide letter dated 28/03/2023 submitted to the Secretary & FAA that:

*"the First Appellate Authority under the RTI Act is classified as an officer who is senior in rank to the PIO who has a duty to see whether the true and correct information has been provided to the Applicant and act according to the principles of natural Justice, and as such directing for appearing physical before the Appellate Authority is uncalled for, and dehorse the rules of the RTI Act",*

the appellant prayed that the appeal be decided on merit.

AND WHEREAS, the applicant (now appellant), Shri Surjit Singh, had again, vide letter dated 04/05/2023 wrote to the FAA stating that there is no mandatory or any other provision calling for personal appearance of the applicant when the matter is before the FAA, and therefore prayed that the matter be decided on merit.

AND WHEREAS, the applicant (now appellant), Shri Surjit Singh, had again, vide letter dated 03/07/2023 submitted to the Secretary & FAA, reiterating that the notice for personal physical presence in the matter is not at all necessitated as there is no mandatory provision under the RTI Act to ask for such presence in person, and that the denial of information to the applicant under clause (j) of Section 8(1) of the RTI Act, by the PIO was totally uncalled for. Further, he stated that since he is an



employee of the Law Department and not a 'third party', he prayed that the first appeal be disposed of on the basis of his submission and on merit.

AND WHEREAS, Smti. Thejangu-u Kire, Secretary & FAA, Law & justice Department, Nagaland had, vide order No. dated 19/07/2023 passed decision of the first appeal stating that:

*" the FAA in order to give ample opportunity to address the grievances of the appellant fixed 30/03/2023, 20/04/2023, 17/05/2023 and 14/07/2023 however, inspite of presenting his grievances he has undermines and insulted the authority of the FAA with the word " the direction for physical appearance before Appellate Authority is uncalled for and dehores the Rules of the RTI Act" that instead of cooperation to the Authority rather challenging the authority which attracts unbecoming of a Government Servant attracting disciplinary proceedings under Nagaland Government Servant conduct Rules 1968. The intention/ motive of the appellant appears to be nothing but to harass and torture the authority by misusing the rights as conferred to all citizens of the country under the RTI Act. Therefore, with the observation above, the appeal dated 15/02/2023 stands dismissed."*

AND WHEREAS, on not being satisfied with the first appeal decision, the applicant (now appellant), Shri. Surjit Singh, had preferred second appeal dated 14/09/2023 (received by the Commission on 22/09/2023) before the Nagaland Information Commission.

AND WHEREAS, on receipt of the second appeal on 22/09/2023, the Commission had examined the appeal and observed that:

*since the applicant had sought information i.e., copy of Note Sheets of his own personal File No.LAW-165/71(A) from page No. 81 onwards till date, there cannot be any invasion of privacy of individual.*

*Further, it is also clarified that as per the Department of Personnel and Training, Office Memorandum No.F.10/2/2008-IR dated 23<sup>rd</sup> June 2009, "file noting can be disclosed except file noting containing information exempt from disclosure under Section 8 of the Act",*

The Commission had, therefore, vide letter No.NIC/Appeal-13/2013-24 dated 17/10/2023 directed the PIO, Department of Law & Justice, Nagaland, Kohima to furnish the information to the applicant within 15 (fifteen) days from the receipt of its directive.

AND WHEREAS, on receipt of the Commission's directive dated 17/10/2023, Shri. Imtiakum, Addl. Secretary & PIO, Department of Law & justice had, vide letter No.LAW/RTI-3/2023 dated 30/10/2023 furnished the information to the applicant (now appellant), regarding query No. (a) of the RTI application dated 03/01/2023.

AND WHEREAS, Shri. Imtiakum, Addl. Secretary & PIO, Department of Law & justice had, vide letter No.LAW/RTI-3/2023/146 dated 29/11/2023 replied to the applicant (now appellant) in reference to his (applicant's) letter dated 08/11/2023, that as requested the photocopies of the Notesheets of file No.LAW-165/71(A) from page No. 81 onwards till date i.e till 14/12/2022 which was the file noting as on 03/01/2023, the date of filing the RTI application dated 03/01/2023 was furnished.

AND WHEREAS, on receipt of the above letter dated 29/11/2023 from the PIO, the applicant (now appellant) had written to the PIO & Addl. Secretary, Department of Law & justice on 01/12/2023 stating that Notesheets from page No. 81 onwards till date meant till 17/10/2023, the date of Commission's directive.

AND WHEREAS, in reference to the letter dated 01/12/2023 of the applicant (now appellant), the Commission had, vide letter of even No. dated 23/01/2024 informed the applicant (now appellant) that since the information sought was "from page No.81 onwards till date", the information to be furnished should be up to the date of his RTI application i.e 03/01/2023 and that the PIO & Addl. Secretary had also furnished the information accordingly vide his letter No.LAW/RTI-3/2023 dated 30/10/2023 and No.LAW/RTI-3/2023/146 dated 29/11/2023. Further, since the information have been received, the Commission had directed the applicant (now appellant), Shri. Surjit Singh, to confirm satisfaction/ non-satisfaction of the information furnished by the PIO within 15 (fifteen) days from the date of receipt of its directive, failing which the Commission shall presume that the applicant (now appellant) was satisfied and no further request or complaint should be entertained.



AND WHEREAS, since enough time had lapsed and no further complaint or objections have been received from the applicant (now appellant), Shri. Surjit Singh, hence in accordance to the Commission's directive dated 23/01/2024, it is presumed that the applicant (now appellant) is satisfied and do not want to proceed further with the appeal case and hence decided to declare this Appeal case as closed.

NOW THEREFORE, it is notified to the following parties that the Appeal case is hereby declared as closed:-

1. The Secretary & FAA, Department of Law & Justice, Nagaland, Kohima-797001.
2. The Addl. Secretary & PIO, Department of Law & Justice, Nagaland, Kohima-797001.
3. The applicant (now appellant), Shri. Surjit Singh, O/o the Advocate General, Nagaland, Gauhati High Court, Gawahati- 781001, Mobile No- 9435108839.

Sd/-

**I.MEYIONEN JAMIR**

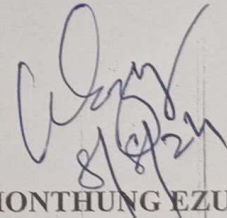
Chief Information Commissioner

Dated Kohima, the 8<sup>th</sup> August, 2024.

No. NIC/APPEAL-13/2023-24

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. The Secretary & FAA, Department of Law & Justice, Nagaland, Kohima-797001.
5. The Addl. Secretary & PIO, Department of Law & Justice, Nagaland, Kohima-797001.
6. The Computer Programmer, Nagaland Information Commission for uploading on the website.
7. The applicant (now appellant), Shri. Surjit Singh, O/o the Advocate General, Nagaland, Gauhati High Court, Gawahati- 781001, Mobile No- 9435108839.
8. Office Copy.



**(WORHONTHUNG EZUNG)**

Deputy Secretary

Nagaland Information Commission