

NAGALAND INFORMATION COMMISSION

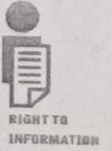
Nagaland Commissions' Complex

Below NBCC Convention Centre,

Post Box - 148

Nagaland, Kohima - 797004

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No. NIC/COMPLAINT-1/2024-25 /434

Dated Kohima, the 3rd October, 2024

Complainant : Shri. Vichütuoлие Mere,
Post Box-18,
Medziphema Town, Pin Code-797106,
Chumoukedima,
Mobile No. 9378129189

Respondents : (i) Shri. Kuko Mero, NCS,
Secretary & PIO,
General Administrative Branch-I,
Home Department,
Nagaland, Kohima.

(ii) Shri. Warren Holohon Yepthomi, NCS
Deputy Commissioner (HQ) & PIO,
Office of the Commissioner,
Nagaland, Kohima.

(iii) Shri. Bendangyapang,
Deputy Director & PIO,
Directorate of Art & Culture,
Nagaland, Kohima

Public Authority : Home Department, Nagaland.

Date of hearing : 25.09.2024 at 11:00 AM.

Date of Decision : 03.10.2024.

Present:

1. Shri. Kuko Mero, NCS, Secretary & PIO, General Administrative Branch-I, Home Department, Nagaland, Kohima, Mobile No. 8119878972.
2. Shri. Warren Holohon Yepthomi, NCS, Deputy Commissioner (HQ) & PIO, Office of the Commissioner, Nagaland, Kohima, Mobile No. 8732892660.
3. Shri. Bendangyapang, Deputy Director & PIO, Directorate of Art & Culture, Nagaland, Kohima, Mobile No. 9436400516.
4. The applicant (now complainant), Shri. Vichütuoлие Mere, Post Box-18, Medziphema Town, Pin Code-797106, Chumoukedima, Mobile No. 9378129189.

FACT OF THE CASE

An applicant, Shri. Vichütuoлие Mere had submitted an RTI application dated **17.05.2024** along with application fee or **Rs. 10/- only** paid via IPO Nos. J4C443802 dated 17.05.2024 and J4C44380J dated 17.05.2024 addressed to the PIO, Home Commissioner Office, Home Department, Nagaland, Kohima seeking the following information:-

1. *Names and list of the villages established/recognized by the state government to the surrendered cadres of the Revolutionary Government of Nagaland in 1973 and thereafter.*

2. *Names and lists of the villages established/recognized by the state government to the surrendered cadres Underground Organisation after signing of Shillong Accord in 1975 and thereafter.*
3. *Orders or subsequent orders with the names and lists of villages established/recognized under the present districts of Dimapur, Chümoukedima and Niuland during the British government in Naga Hills (between 1879 and 1947).*
4. *Names and lists of recognized villages under Dimapur, Chümoukedima and Niuland districts up to date.*

On receipt of the RTI application, *Shri. Kuko Mero, NCS*, Secretary to the Government of Nagaland, General Administrative Branch-I, Home Department, Nagaland had, vide letter No. *GAB-1/GEN-15/RTI/2020 /320* dated *30.05.2020* transferred the RTI application to the Office of the Commissioner, Nagaland, Kohima.

On receipt of the above transferred RTI application, *Shri. Warren Holohon Yepthomi*, Deputy Commissioner (HQ) & PIO, Office of the Commissioner, Nagaland Kohima had, vide letter No. *CN/RTI/COMMR/2020* dated *12.06.2024*, furnished the information to the applicant's *query No. 4.*, whereas regarding *Query No. 1, 2 & 3*, he had transferred to the Directorate of Art & Culture, Nagaland, Kohima.

On not getting any information within the stipulated time frame to his RTI application dated *17.05.2024*, the applicant (now complainant) had filed a complaint dated *05.08.2024* to this Commission.

In spite of transferring the RTI Application dated *17.05.2024* from the Home Department to the Office of the Commissioner, Nagaland and from the Office of the Commissioner, Nagaland to the Directorate of Art & Culture, Nagaland, since there was no information received by the applicant (now complainant) till date, the Commission has decided to hear the above mentioned complaint, giving opportunity of being heard to all the parties on *25th September, 2024 (Wednesday) at 11:00 A.M. in the Hearing Room of the Nagaland Information Commission, Nagaland Commissions' Complex, Below NBCC Convention Centre, Nagaland, Kohima* and had also directed the following parties are to appear before this Commission and *also to bring the files and relevant documents* in question for scrutiny on the above mentioned date and time:

1. *Shri. Kuko Mero, NCS, Secretary & PIO to the Government of Nagaland, General Administrative Branch-I, Home Department, Nagaland, Kohima.*
2. *Shri. Warren Holohon Yepthomi, Deputy Commissioner (HQ) & PIO, Office of the Commissioner, Nagaland, Kohima.*
3. *The PIO, Directorate of Art & Culture, Nagaland, Kohima.*
4. *The applicant (now complainant), Shri. Vichütuolie Mere, Medziphema Town, Mb. No. 9378129189*

OBSERVATIONS AND FINDINGS:

The applicant (now complainant), *Shri. Vichütuolie Mere* stated that he had submitted the RTI application dated *17.05.2024* to the Home Department, however, since no information was furnished within the stipulated time frame, he had submitted a complaint dated *05.08.2024* to the Commission. He further stated that after lodging the complaint on *05.08.2024*, he had received only on *13.08.2024*, the letter dated *30.05.2024* of the Home Department transferring his RTI application to the Commissioner's Office, Nagaland and the letter dated *12.06.2024* of the Commissioner's Office, Nagaland transferring his RTI application to the Directorate of Art & Culture, Nagaland, Kohima.

He stated that in the letter dated *12.06.2024* of the PIO, Commissioner's Office, Nagaland transferring his RTI application to the Directorate of Art & Culture, Nagaland, Kohima, he had also received the reply to his **Query No. 4**, which was received on the same day i.e. *13.08.2024* and was satisfied. However, there was no reply to his other query Nos. *1, 2 and 3*.

Shri. Kuko Mero, NCS, Secretary & PIO, General Administrative Branch-I (hereafter GAB- I), Home Department, Nagaland, Kohima informed that he had joined the Department in April, 2024 and the RTI application dated 17.05.2024 was received by the Home Commissioner on 22.05.2024 and was transferred to the Political Branch and the Political Branch had further transferred it to the GAB-I. He had received the RTI application on 28.05.2024, however since there were no records available in the Home Department, he had transferred it to the Commissioner's Office, Nagaland on 30.05.2024. However, as per the Rules of Executive Business, since matter relating to recognition of villages is being dealt by the Home Department, the Commission asked why the instant RTI application was transferred to the Commissioner's Office, Nagaland, to which Shri. Kuko Mero, NCS, Secretary & PIO, GAB-I, Home Department had replied that the Home Department was established only in 1963 when Nagaland attained its Statehood whereas the Commissioner's Office, Nagaland had existed even during the British time i.e. before attaining Statehood. And since the information sought were dated between 1879 and 1947, which was even before the establishment of the Home Department or the Statehood in 1963, he had transferred the RTI application to the Commissioner's Office, Nagaland.

Shri. Warren Holohon Yepthomi, NCS, Deputy Commissioner (HQ) & PIO, Office of the Commissioner, Nagaland, Kohima also stated that he had received the RTI application on 03.06.2024 which was transferred from the Home Department. He stated that since the Commissioner's Office, Nagaland is under the GAB-I of the Home Department and that the information sought dated between 1879 and 1947 were also not available in the Home Department, he had tried searching in the records cell of the Commissioner's Office, Nagaland, however, he could not find the records as sought by the applicant. And since the information sought was not available in the Home Department or the Commissioner's Office, Nagaland, he had thought that it might be available in the State Archives which is under the Directorate of Art & Culture, and hence he had transferred the RTI to the Directorate of Art & Culture, Nagaland, Kohima. He further stated that since the present Commissioner's Office, Nagaland was then only a Deputy Commissioner's Office during the British era, he felt that the DC Office, Kohima may have some records, however the records might be mostly tour diaries.

The Commission observed that the information sought at **query Nos. 1 and 2** were pertaining to the years 1973 and 1975, which are after the Statehood and the establishment of the Home Department in 1963, and hence the information sought should be available in the Home Department and Commissioner's Office, Nagaland. Further, as per procedure, proposal submitted for recognition of villages are usually sent from the Commissioner's Office, Nagaland to the Home Department and when the Home Department approves and issues order, a copy is also sent to the Commissioner's Office, Nagaland. Hence, both the Home Department and Commissioner's Office, Nagaland ought to have the records, however, both the offices denied having the records. The Commission also suggested that if the records pertaining to the years 1973 and 1975 are not available in both the above offices, an attempt can also be made to search the records in the Record Cell of the Secretariat.

Regarding **query No. 3**, the Commission observed that the information sought were between 1879 and 1947 which pertains to pre-Independence era and before Nagaland attained the Statehood in 1963 and with the poor records maintenance during the initial periods, such old records may not be available. The applicant also agreed with the observation of the Commission however, he stated that the reply to his queries should be available and furnished to him.

Shri. Bendangyapang, Deputy Director & PIO, Directorate of Art & Culture, Nagaland, Kohima stated that he had received the RTI application on 13.06.2024 which was transferred from the Commissioner's Office, Nagaland on 12.06.2024. On receipt of the RTI, he had entrusted his staff to search for the records, however even after two (2) weeks of searching, no such records could be found. He had, therefore, vide letter No. AC/ESTT/RTI/352/24-25 dated 11.07.2024 replied to the applicant accordingly, with a copy to the Home Department and the Commissioner's Office, Nagaland. A copy of his above letter was also produced before the Commission. However, the applicant(now complainant) denied having received such letters even after he had checked his post box the day before i.e. 24.09.2024.

Further, the Commission observed that the names and list of recognised villages as sought by the applicant in his RTI application dated 17.05.2024 may not be available *per se* since they are very old records, however there may be some references in the form of OM or Notification or Orders etc. and if available should be furnished to the applicant(now complainant) since such information are valuable and having historical importance.

ORDER

On the above observations and findings, the Commission ordered that:-

1. For **query Nos. 1, 2 and 3**, Shri. Kuko Mero, NCS, Secretary & PIO, GAB-I, Home Department, Nagaland, Kohima shall revisit the RTI matter and search again the records including the Record Cell in the Secretariat. In case, the information as sought is not available, any references in the form of OM or Notification or Orders etc. relating to the above queries, if found shall be furnished to the applicant(now complainant) **within three (3) weeks** from the date of receipt of this Order and with a copy to this Commission. Or otherwise, if records are not found available, he shall declare in the form of sworn affidavit and submit to the Commission and with a copy to the applicant(now complainant).
2. If the information to his queries at Decision No. 1 above are found, on receipt of the information, the applicant(now complainant) shall submit satisfaction/non-satisfaction to the PIO, Home Department, Nagaland, Kohima and with a copy to the Commission **within three (3) weeks** from the date of receipt of the information.
3. Regarding **query No. 4**, though the reply was furnished by the PIO, Commissioner's Office, Nagaland on 12.06.2024 and the applicant(now complainant) had expressed his satisfaction, since a copy of the information was not received by the Commission, Shri. Warren Holohon Yepthomi, NCS, Deputy Commissioner (HQ) & PIO, Office of the Commissioner, Nagaland, Kohima shall cause a copy of the reply to query No. 4 to the Commission **within ten (10) days** from the date of receipt of this Order.

This Order is passed in the presence of both the parties i.e the respondents and the applicant(now complainant) on 25.09.2024 at 11:00 AM.

Copies be given to:

1. Shri. Kuko Mero, NCS, Secretary & PIO, General Administrative Branch-I, Home Department, Nagaland, Kohima, Mobile No. 8119878972.
2. Shri. Warren Holohon Yepthomi, NCS, Deputy Commissioner (HQ) & PIO, Office of the Commissioner, Nagaland, Kohima, Mobile No. 8732892660.
3. Shri. Bendangyapang, Deputy Director & PIO, Directorate of Art & Culture, Nagaland, Kohima, Mobile No. 9436400516.
- ✓ 4. The Computer Programmer, Nagaland Information Commission for uploading on the website.
5. The applicant (now complainant), Shri. Vichütuolie Mere, Post Box-18, Medziphema Town, Pin Code-797106, Chumoukedima, Mobile No. 9378129189.
6. Office Copy.

Sd/-

I. MEYIONEN JAMIR
Chief Information Commissioner

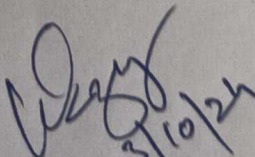
Sd/-

T. KEKONGCHIM YIMKHIUNG
State Information Commissioner

Sd/-

NOSAZOL CHARLES
State Information Commissioner

Authenticated true copy:


(Worhonthung Ezang)
Deputy Secretary