

C.P.

NAGALAND INFORMATION COMMISSION
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Nagaland, Kohima - 797004

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No. NIC/APPEAL-26/2024-25 / 729

Dated Kohima, the 22nd August, 2025

Appellant : Shri. K. Arkha Achumi,
Old Minister's Hill,
Kohima, Nagaland- 797001,
Mobile No- 8448912183.

Respondents : (i) Shri. Rupin Sharma, IPS
Director General of Police & FAA,
PHQ,
Nagaland, Kohima.

(ii) Shri. Joseph Hesso, IPS
IGP (ADM) & PIO, PHQ,
Nagaland, Kohima.

Public Authority : Office of the DGP, Nagaland, Kohima.

Date of first hearing : 20.05.2025 at 11:30 AM.

Date of first Decision : 26.05.2025.

Date of second hearing : 19.08.2025 at 1:30 PM.

Date of second Decision : 22.08.2025.

Present:

1. Shri. Videlalie Zashumo, IGP (Adm) & PIO, PHQ, Nagaland, Kohima, Mobile No. 9436002396.
2. Shri. Watichuchang Jamir, AIG(Coord), PHQ, Nagaland, Kohima, Mobile No. 9862266740.
3. Shri. Masudong, AIG(Adm), PHQ, Nagaland, Kohima, Mobile No. 8118983683.

The following did not appear:

4. Shri. Joseph Hesso, IPS, IGP (ADM) & PIO (now retired), PHQ, Nagaland, Kohima.
5. The applicant (now appellant), Shri. K. Arkha Achumi, Old Minister's Hill, Kohima, Nagaland- 797001, Mobile No- 8448912183.

FACT OF THE CASE

The Commission had, on 20/05/2025 at 11:30 AM heard the Second Appeal dated 27/01/2025 submitted by Shri. K. Arkha Achumi, Old Minister's Hill, Kohima, Nagaland- 797001, Mobile No. 8448912183 against the inaction of the FAA to his First Appeal dated 18/11/2024 which was submitted against the non-furnishing of the PIO to his RTI application dated 30/09/2024.

After the hearing of the second appeal, the Commission had passed decision vide of even No. dated 26/05/2025, wherein at point No. 2, a penalty amount of **Rs. 22,500/-** was imposed on Shri. Joseph Hesso, IPS, IGP (Adm) & PIO, PHQ, Nagaland, Kohima for contributing to the delay of **90 (ninety) days** in furnishing the information to the applicant (now appellant) without reasonable cause.

On receipt of the Commission's decision dated 26/05/2025, Shri. Joseph Hesso, IPS, IGP (Adm) & PIO, PHQ, Nagaland, Kohima had, vide letter No. **PHQ/RTI/APPEAL/2025/1214** dated

11/06/2025 submitted to the Commission, stating that on receipt of the RTI application on 30/09/2024, he had sought the requisite information from the AIG (Adm) and the requested information was submitted by the AIG (Adm) on 23/10/2024. However, upon cross-examination, since the information was found to be incomplete and incorrect, it was directed to furnish complete and accurate information. He further stated that the information sought was extensive and involved compilation from various units under police department which required more time than usual to ensure accuracy and completeness. The delay was purely circumstantial as a significant portion of the information requested pertained to old records dating back to 1988, which were archived and not readily available. In good faith, the applicant (now appellant) was informed telephonically about the progress and challenges in retrieving the old records and additional time would be required to compile and process the requested information. Despite these constraints, there was no refusal, negligence or intention to obstruct the applicant's right to information and the complete and correct information was duly furnished to the satisfaction of the applicant on 28/01/2025 and the applicant had submitted his withdrawal from the FAA on 07/03/2025. He further regretted his inability to attend the hearing inspite of the hearing notice received on 05/05/2025 and a phone call from the Commission on the day of hearing on 20/05/2025 and had therefore, requested the Commission to kindly reconsider the imposition of penalty under Section 20 (1) of the RTI act, 2005.

On receipt of the above letter dated 11/06/2025, the Commission had, vide letter of even dated 27/06/2025, directed the IGP (Adm) & PIO, PHQ to submit the copies of the letters transferring the RTI application dated 30/09/2024 filed by the applicant (now appellant) to the various units and the dates of submission of the information and the copies of the information submitted by the various units including the dates of receipt by the IGP (Adm) & PIO from the various units and within the PHQ be submitted to the Commission for further necessary action.

In compliance to the Commission's directive dated 27/06/2025, Shri. Joseph Hesso, IPS, IGP (Adm) & PIO had, vide letter **NO. PHQ/RTI/APPEAL/2025/1864** dated 14/07/2025, submitted the copies of all letters and communications sent to various units/branches and copies of information submitted by the various units in connection with the RTI application filed by the applicant (now appellant).

On examination of the above documents submitted by the PIO, since the Commission had observed that the delay was not caused by the various units under the police department and that the Commission was not convinced with the request of the PIO to reconsider the penalty, the Commission has decided to hear the above mentioned appeal giving opportunity of being heard to all the parties on **19th August 2025(Tuesday) at 01:30 PM in the Hearing Room of Nagaland Information Commission, Nagaland Commissions' Complex, New Capital Complex, Nagaland, Kohima** and the following parties were 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. Joseph Hesso, IPS (Retd.), IGP (Adm) & PIO, PHQ, Nagaland, Kohima.
2. The PIO, PHQ, Nagaland, Kohima.
3. The AIG (Ops) & APIO, PHQ, Nagaland, Kohima.
4. The AIG (Adm), PHQ, Nagaland, Kohima.
5. The applicant (now appellant), Shri. K. Arkha Achumi, Old Minister's Hill, Kohima, Nagaland, Mobile No. 8448912183.

OBSERVATIONS AND FINDINGS:

Shri. Joseph Hesso, IPS (Retd.), IGP (Adm) & PIO, PHQ, Nagaland, Kohima did not appear for the second hearing and there was no reason or prior intimation to the Commission for his absence in the hearing.

During the hearing, Shri. Videlalie Zashumo, IGP (Adm) & PIO, PHQ, Nagaland, Kohima informed that on the retirement of Shri. Joseph Hesso, IPS, IGP (Adm) & PIO (now Retd.), PHQ from government service, he had recently taken over the charge of the PIO. He stated that the FAA and PIO (now former PIO) could not attend the first hearing held on 20.05.2025 due to some miscommunication and change of guards in the Police Department. He further stated that all the information sought by the applicant have been furnished and the applicant was satisfied and hence had withdrawn the appeal.

Shri. Watichuchang Jamir, AIG(Coord), PHQ, Nagaland, Kohima also informed that he had represented the APIO as the AIG (Ops) & APIO is currently undergoing training and hence could not be present in the hearing. He further stated that since the information sought were old records which were dating back to 1988 and were not readily available, the delay was caused in retrieving and compiling the records.

On examination of the documents submitted vide letter No. **PHQ/RTI/APPEAL/2025/1864** dated **14/07/2025** by Shri. Joseph Hesso, IPS, IGP (Adm) & PIO (now retired), the Commission had observed that the RTI application was received on 30.09.2024, and under Section 6(3) of the RTI Act, 2005, the RTI application should have been transferred **within 5 days** upon receipt, however, the RTI application was transferred to the different Police units only on **05.11.2024** (via Wireless message), which was **after 36 days of receipt i.e.** after the expiry of the 30 days time limit. The dates of submission of the information by the various police units to the PIO, PHQ are listed below:-

Sl. No.	Name of Unit	Date of submission of information
1.	CO 1 st NAP Chumukedima	11.11.2024
2.	CO 2 nd NAP Alichen	28.11.2024
3.	CO 3 rd NAP Tuensang	06.11.2024
4.	CO 4 th NAP Thizama	12.11.2024
5.	CO 5 th NAP Phek	08.11.2024
6.	CO 6 th NAP Tizit	07.11.2024
7.	CO 7 th NAP Bhandari	11.11.2024
8.	CO 8 th NAP Naltoqa	11.11.2024
9.	CO 9 th NAP (IR) Saijang	06.11.2024
10.	CO 10 th NAP (IR) Zhadima	06.11.2024
11.	CO 11 th NAP (IR) Aboi	06.11.2024
12.	CO 12 th NAP (IR) Chingtok	06.11.2024
13.	CO 13 th NAP Yajang	07.11.2024
14.	CO 14 th NAP (IR) Okhezung	06.11.2024
15.	CO 15 th NAP (IR) Mahila	06.11.2024
16.	CO NAPTC	08.11.2024
17.	CO NPTS	12.11.2024
18.	OC PCS	11.11.2024
19.	PCW	07.11.2024
20.	CMO	11.11.2024
21.	SP Kiphire	07.11.2024
22.	SP Mon	08.11.2024
23.	SP Peren	06.11.2024
24.	SP Tuensang	08.11.2024
25.	SP Wokha	12.11.2024
26.	SP Zunheboto	11.11.2024
27.	SP Phek	07.11.2024
28.	SP Mokokchung	13.11.2024
29.	SP Kohima	08.11.2024
30.	IGP (INT)	12.11.2024
31.	IGP (NPTO)	08.11.2024

Hence, counting from the date of transfer of the said RTI application to the various units on 05.11.2024 to the dates of submission of the information by the various Police units to the PIO of PHQ for onward furnishing to the applicant, there is **no delay from the various police Units.**

The Commission observed that the reminder given by the AIG(Ops) & APIO on 21.10.2024 to the AIG(Admn) to submit the information, showed that there was **no action** on the RTI application even after **20 days** of receipt (from 30.09.2024 to 21.10.2024). Further, after the receipt of the first appeal dated 18.11.2024, the reminder of the AIG(Ops) & APIO on 25.11.2024 to the AIG(Admn) to submit the complete information indicated that there was no urgency or seriousness dealing with RTI matters in spite of the time limits under the RTI Act.

The Commission, however observed that the delay was caused mainly at the PHQ (Directorate) level since correspondences were made mostly between the AIG(Ops) & APIO and the AIG(Admn) and no records of correspondences is/are found between the AIG(Ops) & APIO and the AIG(Admn) with the IGP(Admn) & PIO (now former). The only correspondence of the IGP(Admn) & PIO (now former) found was his letter dated 28.01.2025 furnishing the information to the applicant. Hence, in the absence of the details and the dates of handling the RTI application among the AIG(Ops) & APIO, the AIG(Admn) and the IGP(Admn) & PIO or any other officer(s) in the PHQ, the Commission could not determine the cause of the delay.

DECISION

On the above observations and findings, the Commission directed that the details and dates of handling the RTI application among the AIG(Ops) & APIO, the AIG(Admn) and the IGP(Admn) & PIO or any other officer(s) in the PHQ, along with sufficient and convincing grounds for considering the penalty be submitted to the Commission for further examination and final decision.

This Decision is passed *exparte* in the presence of the respondents on 19.08.2025 at 1:30 PM.

Copies be given to:

1. Shri. Rupin Sharma, IPS, DGP & FAA, PHQ, Nagaland, Kohima.
2. Shri. Joseph Hesso, IPS (Retd.), IGP (Adm) & PIO (former), PHQ, Nagaland, Kohima.
3. Shri. Videlalie Zashumo, IGP (Adm) & PIO, PHQ, Nagaland, Kohima, Mobile No. 9436002396.
4. The AIG (Ops) & APIO, PHQ, Nagaland, Kohima.
5. The AIG (Adm), PHQ, Nagaland, Kohima.
6. The Accounts Officer, Nagaland Information Commission for information.
- ✓ 7. The Computer Programmer, Nagaland Information Commission for uploading on the website.
8. The applicant (now appellant), Shri. K. Arkha Achumi, Old Minister's Hill, Kohima, Nagaland- 797001, Mobile No- 8448912183.
9. Office Copy.

Sd/-

KEVISA KENSE (IAS Retd.)
Chief Information Commissioner

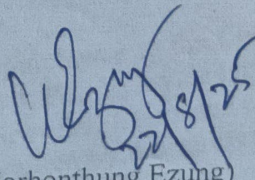
Sd/-

T. KEKONGCHIM YIMKHIUNG
State Information Commissioner

Sd/-

NOSAZOL CHARLES
State Information Commissioner

Authenticated true copy:


(Worhonthung Ezung)
Deputy Secretary