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RIGHT TO INFORMATION

No. NIC/APPEAL-28/2025-26 **Dated Kohima, the 5th May, 2026.**

Subject: Closing Order of Appeal Case.

WHEREAS, the Commission had on ***16/02/2026*** received a second appeal dated ***NIL*** from Shri. Viheto Aye, Mobile No. 6909579473 and Shri. Kavi K. Yepthomi, Dimapur, against the rejection of their first appeal dated ***NIL*** (received on ***13/01/2026***) by the FAA, NSDMA, Home Department, which was submitted against the unsatisfactory response of the PIO, NSDMA, Nagaland, Kohima, to their RTI application dated ***17/06/2025.***

AND WHEREAS, the applicants had jointly submitted an RTI application dated ***17/06/2025*** along with an application fee of Rs.10/- addressed to the PIO, NSDMA, Nagaland, Kohima, seeking the following information regarding ***admissibility of 20% administrative cost under State Disaster Response Fund (SDRF):-***

1. *Please provide a copy of the latest guidelines issued by the Ministry of Home Affairs regarding the permissible limits for administrative costs/expenditure under the State Disaster Response Fund (SDRF).*
2. *As per Government of India norms, what is the maximum percentage of the SDRF allocation that can be used for administrative expenses by the State Disaster Management Authorities?*
3. *Is there any provision or approval from the Ministry of Home Affairs allowing the Nagaland State Disaster Management Authority (NSDMA) to incur up to 20% administrative expenses from the SDRF, as per its notification.*
4. *If such approval was granted to NSDMA (Nagaland), please provide a copy of the file noting, order, communication, or approval letter from MHA that permits deviation from the standard administrative cost cap (if any).*

AND WHEREAS, on receipt of the above RTI application on ***17/06/2025***, Shri. Temsuwangshi Jamir, PIO, NSDMA, Home Department had, vide letter ***No. 11/01/2025/016-NSDMA/912*** dated ***18/07/2025,*** forwarded to the applicants the information which was submitted by Shri. Kethophuyi Tetseo, Junior Section Officer, Accounts Unit, NSDMA, Home Department, vide letter ***No. 08/06/2025-NSDMA/874*** dated ***15/07/2025***, as given below:-

Query 1: Please provide a copy of the latest guidelines issued by the Ministry of Home Affairs regarding the permissible limits for administrative costs/expenditure under the State Disaster Response Fund (SDRF).

Reply :As laid down in Section 38(1)(2)(1) of the Disaster Management Act, 2005, the State Government under Section 7(1)(2)(1) of the Nagaland State Disaster Management Rules 2011, can provision and prioritize funds for the functioning of the State Authority. Accordingly, the State Executive Committee (SEC) vide Notification NO.NSDMA/NOT-ORD/2012 (PT-11)/843 dated Kohima, the 14th July, 2017 and Office Memorandum NO.NSDMA/ACCTS/NOT-ORD-OM/245/2019/5874 dated Kohima, the 13th December, 2021, has earmarked 20% as administrative expenses. Notification and OM enclosed.

Query 2: As per Government of India norms, what is the maximum percentage of the SDRF allocation that can be used for administrative expenses by the State Disaster Management Authorities?

Reply: As stated above in response to your Query 1, as laid down in Section 38(1)(2)(1) of the Disaster Management Act, 2005; the State Government under Section 7(1)(2)(f) of the Nagaland State Disaster Management Rules 2011, can provision and *prioritize funds for the functioning of the State Authority. Accordingly, the State Executive Committee (SEC) vide Notification NO.NSDMA/NOT-ORD/2012 (PT-II)/843 dated Kohima, the 14th July, 2017 and Office Memorandum NO. NSDMA/ACCTS/NOT-ORD-OM/245/2019/5874 dated Kohima, the 13th December, 2021 has earmarked 20% as administrative expenses.*

Query 3 : Is there any provision or approval from the Ministry of Home Affairs allowing the Nagaland State Disaster Management Authority (NSDMA) to incur up to 20% administrative expenses from the SDRF, as per its notification.

Reply: As stated above in response to your Query 1 and 2, as laid down in Section 38(1)(2)(1) of the Disaster Management Act, 2005; the State Government under Section 7(1)(2)(f) of the Nagaland State Disaster Management Rules 2011, can provision and prioritize funds for the functioning of the State Authority. Accordingly, the State Executive Committee (S) vide Notification NO NSDMA/NOT-ORD/2012 (PT-H/R43 dated Kohima, the 14th July, 2017 and Office Memorandum NO. NSDMA/ACTS/NOT-ORD OM/245/2019/5874 dated Kohima, the 13th December, 2021 has earmarked 20% as administrative expenses. Details of the permissible administrative expenses under the SEC approved budget breakup is enclosed.

Query 4 : If such approval was granted to NSDMA (Nagaland), please provide a copy of the file noting, order, communication, or approval letter from MIIA that permits deviation from the standard administrative cost cap. (if any)

Reply: As stated above in response to your Query 1, 2 and 3, as laid down in Section 38(1)(2)(1) of the Disaster Management Act, 2005; the State Government under Section 7(1)(2)(1) of the Nagaland State Disaster Management Males 2011, can provision and prioritize funds for the functioning of the State Authority. Accordingly, the State Executive Committee (C) vile Notification NO. NSDMA/NOT-ORD/2012 (PT-11)/843 dated Kohima, the 14th July, 2017 and Office Memorandum NO. NSDMA/ACCTS/NOF-ORD OM/245/2019/5874 dated Kohima, the 13th December, 2021 las earmarked 20% as administrative expenses. Notification and OM enclosed.

AND WHEREAS, on being not satisfied with the response of the PIO, the applicants had submitted First Appeal dated ***NIL*** (which was received by the department on ***13/01/2026***) to the FAA, NSDMA, Nagaland, Kohima with the following information:-

1. Background

The information sought through an RTI dated 17/06/2005 pertained to the permissibility of Incurring up to 20% administrative expenditure from the State Disaster Response Fund (SDRF) & National Disaster Response Fund (NDRF) and the existence of approval, if any, from the Ministry of Home Affairs (MHA), Government of India, permitting such expenditure

2. Defect in the PIO's Reply

The PIO has relied solely upon:

1. *Provisions of the Disaster Management Act, 2005*
2. *Nagaland State Disaster Management Rules, 2011*
3. *Notifications/Office Memoranda issued by the State Executive Committee (SEC)*

However, the PIO has not furnished any guideline, approval, or communication issued by the Ministry of Home Affairs, Government of India. Section 38 only empowers states to make provisions for disaster management; it does not override central funding condition for SDRF & NDRF.

3. SDRF & NDRF are Centrally-Governed Funds

It is submitted that:

1. *SDRF and NDRF are Central statutory funds, constituted under Sections 46 and 47 of the Disaster Management Act, 2005.*
2. *Utilization of SDRF and NDRF is governed by guidelines issued by the Central Government (MHA), based on the recommendations of the Finance Commission, which are binding on all States*

4. State Executive Committee Notification Cannot Override Central Norms

It is respectfully submitted that:

1. *SEC notifications and State Office Memoranda are subordinate executive instruments.*
2. *Such instruments cannot override or dilute Central Government norms, Finance Commission recommendations, or MHA guidelines governing SDRF/NDRF.*
3. *Any deviation from prescribed SDRF/NDRF norms mandatorily requires prior approval of the Ministry of Home Affairs, Government of India.*

The PIO has failed to disclose whether any such approval exists, despite a specific query.

5. Non-Compliance with Finance Commission guidelines

The Finance Commission guidelines governing SDRF/NDRF:

1. *Allows only limited administrative expenditure*
2. *Does not permit blanket earmarking of 20% for administrative purposes*

The PIO has not cited:

1. *Any Finance Commission recommendation*
2. *Any MHA guideline*
3. *Any central approval permitting 20% administrative expenditure*

6. Violation of the RTI Act

The reply furnished:

1. *Is repetitive and non-responsive*
2. *Does not answer Queries 2, 3, and 4 substantively*
3. *Suppresses material information regarding Central approvals*
4. *This amounts to a violation of Section 7(1) of the RTI Act, 2005.*

AND WHEREAS, on receipt of the above First Appeal dated ***NIL*** on ***13/01/2026***, Shri. Sentiwapang Aier, FAA, NSDMA, Home Department, Nagaland, Kohima had, vide letter ***No.11/01/2025/016-NSDMA/177*** dated ***09/02/2026,*** informed the applicants (now appellants) that *"the First Appeal filed by the appellants regarding the subject stated above cannot be heard as per Section 19(1) of the Right to Information Act, 2005, as the First Appeal must be filed within 30 days from the date of receipt of the PIO's reply. In the present case, as the reply was issued on 18.07.2025 and the appeal has been filed beyond the prescribed period, the appeal is barred by limitation."*

AND WHEREAS, on being not satisfied with the decision of the FAA, the applicants (now appellants) had submitted second appeal dated ***NIL*** to the Nagaland Information Commission.

AND WHEREAS, on receipt of the above Second Appeal dated ***NIL*** on ***16/02/2026***, the Commission had again on ***24/02/2026***, received a letter dated ***04/02/2026*** from the applicants (now appellants) regarding withdrawal of their Second Appeal dated ***NIL.***

AND WHEREAS, on receipt of the above letter from the applicants (now appellants) on ***24/02/2026***, the Commission had, vide letter of even dated ***09/03/2026***, directed the applicants (now appellants) to give a clear-cut withdrawal of their Second Appeal to the Commission within ***15 (fifteen) days***, since the withdrawal of the said Second Appeal appeared to be conditional.

AND WHEREAS, in compliance to the Commission's directive dated ***09/03/2026***, the applicants (now appellants) had, vide letter of even dated ***10/03/2026***, submitted that it was clear and unconditional withdrawal of their Second Appeal and hence requested that the Second Appeal be treated as withdrawn and closed.

AND WHEREAS, the Commission had also agreed with the decision of the FAA on the First Appeal and had accepted the request of the applicants (now appellants) for withdrawal of their Second Appeal and hence decided to close the case.

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

1. Shri. Sentiwapang Aier, Secretary & FAA, NSDMA, Home Department, Nagaland, Kohima.
2. Shri. Temsuwangshi Jamir, PIO, NSDMA, Home Department, Nagaland, Kohima.
3. Shri. Kethophuyi Tetseo, Junior Section Officers & PIO, Accounts Unit, NSDMA, Home Department, Nagaland, Kohima.
4. The applicants (now appellants), Shri. Viheto Aye, Mobile No. 6909579473 and Shri. Kavi K. Yepthomi, Dimapur, Nagaland.

Sd/-

KEVISA KENSE, IAS (Retd.)
Chief Information Commissioner

No. NIC/APPEAL-28/2025-26/115

Dated Kohima, the 5th May, 2026

Copy to:

1. The PS to the Chief Information Commissioner, Nagaland Information Commission for kind information of the CIC.
2. The PA to SIC (J) for kind information of the State Information Commissioner.
3. The PA to SIC (C) for kind information of the State Information Commissioner.
4. Shri. Sentiwapang Aier, Secretary & FAA, NSDMA, Home Department, Nagaland, Kohima.
5. Shri. Temsuwangshi Jamir, PIO, NSDMA, Home Department, Nagaland, Kohima.
6. Shri. Kethophuyi Tetseo, Junior Section Officers & PIO, Accounts Unit, NSDMA, Home Department, Nagaland, Kohima.
7. The applicants (now appellants), Shri. Viheto Aye, Mobile No. 6909579473 and Shri. Kavi K. Yepthomi, Dimapur, Nagaland.
8. The Computer Programmer, Nagaland Information Commission for uploading on the website.
9. Office copy.

5/5/26

(WORHONTHUNG EZUNG)
Deputy Secretary
Nagaland Information Commission