

NAGALAND INFORMATION COMMISSION

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No. NIC/Appeal-9/2017-18

Dated Kohima, the 13th March, 2018.

Appellant

: Shri. Renet N dang,
Perenkipeuzang Village,
Peren, Nagaland,
Mobile No. 9436015902.

Respondents

: (i) Shri. I. Panger Jamir, IFS,
Principal Chief Conservator of Forest & Head of Forest Force
& First Appellate Authority,
Department of Forests, Ecology, Environment & Wildlife,
Nagaland, Kohima.

(ii) Dr. Sentitula, IFS,
Divisional Forest Officer & PIO,
Peren Division, Jalukie.

Public Authority

: Office of the Divisional Forest Officer, Jalukie, Nagaland.

Date of hearing

: 08.03.2018 at 2:00 PM.

Date of Decision

: 13.03.2018.

Present:

1. Shri. I. Panger Jamir, IFS, Principal Chief Conservator of Forest & Head of Forest Force and First Appellate Authority, Directorate of Forests, Ecology, Environment & Wildlife, Nagaland, Kohima, Mobile No. 9436006403.
2. Shri. Wepretso, IFS, Addl. Principal Chief Conservator of Forest & PIO, Directorate of Forests, Ecology, Environment & Wildlife, Nagaland, Kohima, Mobile No. 9436006413.
3. Dr. Sentitula, IFS, Divisional Forest Officer & PIO, Peren Division, Jalukie, Mobile No. 8575209378.

The applicant (now appellant), Shri. Renet N dang, Perenkipeuzang Village, Peren, Nagaland, Mobile No. 9436015902 did not appear for the hearing.

FACT OF THE CASE

An applicant, Shri. Renet N dang, Perenkipeuzang Village, Peren, Nagaland, Mobile No. 9436015902 had submitted an RTI application dated 07.04.2017 addressed to the PIO,

District Forest Officer, Jalukie, Peren, Nagaland along with the prescribed application fee of Rs. 10/- in cash seeking the following information:-

1. *How many number of Forest Development Agency (FDA) Projects have been set up till date in Peren District, under National Afforestation Programme?*
2. *Kindly provide the details of information of all the FDA projects in Peren district with details account of financial assistance with bank statement as a proof.*
3. *Under Integrated Afforestation and Eco-development projects Scheme (IAEPS), how many projects have been set up till date in Peren district? Also, kindly furnish all the detail information of the projects' Names, Addresses, Year of implementation and the sizes?*
4. *Please provide details account of money incurred in assisting the projects under IAEPS since inception till date in Peren district with a supplement of all details bank transaction statements.*
5. *How many projects are taken up till date in Peren district under Conservation and Development of Non-Timber Forest Produce? Please provide details of the projects with financial reports with the support of bank statements.*
6. *Under Area Oriented Fuel-wood and Fodder Project Scheme (AOFFPS), how many projects have been set up till date in Peren district? Please provide the details of all the projects along with the information of activities undertaken?*
7. *Please provide all the detail account of financial assistance provided to projects under AOFFPS with a support of detail bank transaction statements.*
8. *Under Green India Mission (GIM), how many projects have been taken up in Peren district till date? Please provide the detail activities of all the projects along with financial assistance report with a bank transaction statement?*

The RTI application dated 07.04.2017 was received by the public authority on the same day as evidenced on the body of the RTI application, however, since there was no response from the PIO, District Forest Officer, Jalukie, Peren within the stipulated time, the applicant had submitted first appeal through Speed Post bearing No. EE4660022097IN.

The first appeal was also received by the public authority on 25.05.2017 as evidenced on the tracking event downloaded from the website and which was found enclosed in his appeal, however, on not getting any response from the First Appellate Authority to his first appeal, the applicant (now appellant), had preferred a second appeal dated 28.06.2017 to the Commission by email on 28.06.2017.

On receipt of the second appeal dated 28.06.2017, since the First Appeal was not heard, the Commission had, vide letter of even No. dated 07.09.2017 directed the First Appellate Authority to take up the first appeal by hearing the parties i.e, the applicant and the PIO concerned and pass decision within 1 (one) month from the date of receipt of the directive and submit a copy of the decision to this Commission. And in compliance to the directive of the Commission of even No. dated 07.09.2017, the Principal Chief Conservator of Forests & First Appellate Authority had, vide No. FE-1/4/05/RTI/MISC/5239 dated 07.10.2017 issued Notice for Hearing fixed on 10.10.2017 at 11:00 A.M in the office chamber of the Principal Chief Conservator of Forests and Head of Forest Force.

After hearing the first appeal on 10.10.2017 at 11:00 A.M, the Principal Chief Conservator of Forests & First Appellate Authority had, vide letter No. FE-1/15/2010(RTI)/5465 dated 17.10.2017 submitted the statement given by the applicant and

the PIO & DFO, Peren Division, Dr. Sentitula, IFS. The First Appellate Authority in his findings observed that the information was furnished on **02.05.2017** by the former PIO & DFO, Shri. Senthil Kumar, IFS **by post**, however, the applicant did not receive the information due to the reasons that the contact number given by the applicant was non-functional and the address provided was incomplete. Further, during the hearing, the FAA submitted that the information was furnished to the applicant, however, **the applicant later returned the information** to the First Appellate Authority after fifteen (15) minutes without any comments.

On receipt of the above statements from the FAA, the Commission had, vide letter of even No. dated **08.11.2017** directed the Principal Chief Conservator of Forests & First Appellate Authority to submit a copy of the information furnished to the applicant (now appellant) and also to confirm the satisfaction or non-satisfaction from the applicant (now appellant) within two (2) weeks from the date of receipt of the Commission's directive. And in compliance to the directive of the Commission of even No. dated 08.11.2017, the Principal Chief Conservator of Forests & First Appellate Authority had, vide letter No. FE-1/15/2010(RTI)/6135 dated **15.11.2017** directed the applicant (now appellant) to submit confirmation of satisfaction or non-satisfaction of information furnished to him within two (2) weeks.

However, the applicant (now appellant) had on **23.11.2017** wrote to the Principal Chief Conservator of Forests & First Appellate Authority requesting to furnish him the information as sought for through postal service within two (2) weeks time. And in response to the request of the applicant (now appellant) dated 23.11.2017, the Principal Chief Conservator of Forests & First Appellate Authority had, vide letter No. FE-1/15/2010(RTI)/6687-88 dated **08.12.2017** furnished the information to the applicant (now appellant) with a copy to the Commission. Further, the FAA had also, vide letter No. FE-1/15/2010(RTI)/6685 dated 08.12.2017 submitted to the Commission a copy of the information furnished to the applicant (now appellant) and alongwith a copy of the letter dated 23.11.2017 of the applicant.

The Commission has decided to hear the appeal giving opportunity of being heard to all the parties on **8th March, 2018 (Thursday) at 2:00 P.M** in the **Hearing Room of Nagaland Information Commission, Below Raj Bhavan, Officers' Hill Colony, Nagaland, Kohima** and had also **notified to bring the files and relevant documents** in question for scrutiny, on the above date and time for hearing.

OBSERVATIONS AND FINDINGS:

The applicant (now appellant) did not appear for the hearing and there was no prior intimation to the Commission.

During the hearing, Dr. Sentitula, IFS, Divisional Forest Officer & PIO, Peren Division, Jalukie submitted that the former PIO, Shri. Senthil Kumar, IFS had replied to the RTI application on **02.05.2017 by post**, however, since no proper postal address i.e. no House Number and Pin number were given, she was afraid that the information was not received by the applicant. The staff had also tried calling the applicant over the phone, however, due to poor network, the applicant could not be contacted. She also stated that the

applicant had never tried to enquire nor visited the office about the status of his RTI application though his village is just a few kilometres away.

However, since the applicant had stated that he had enquired several times from the DFO Office regarding the status of his RTI application during the hearing of the first appeal conducted by the FAA on 10.10.2017, Dr. Sentitula, IFS, Divisional Forest Officer & PIO, Peren Division, Jalukie had called for a meeting of the staffs on 11.10.2017 to investigate the statement of the applicant and it was confirmed from the staffs that the applicant had never visited the office. She had, vide letter No. PRN-6/144/2006-07/848 dated 07.12.2017 submitted to the PCCF & FAA, the joint statements regarding the phone calls, postal correspondences and the queries made to the applicant.

Shri. I. Panger Jamir, IFS, Principal Chief Conservator of Forest & Head of Forest Force and First Appellate Authority, Directorate of Forests, Ecology, Environment & Wildlife, Nagaland, Kohima also stated that during the hearing of the appeal on 10.10.2017, the information was furnished to the applicant, however, **the applicant later returned the information** to the First Appellate Authority after fifteen (15) minutes without any comments. Later, the applicant (now appellant) had submitted a letter dated **23.11.2017** stating that his phone was non-functional was totally absurd and that sometimes due to network congestion, it might be unreachable, however, his phone was fully functional till date. He further stated that he used to receive letters at the given address for many years. He further stated that in order to put an end to the matter in good faith, he had requested the public authority to furnish him the information as sought for through postal service within two (2) weeks time. And on receipt of the above letter from the applicant (now appellant) on 30.11.2017, the FAA had furnished the information on 08.12.2017. Further, the FAA had, also on 08.12.2017 wrote to the applicant (now appellant) to confirm satisfaction or non-satisfaction with the decision of the FAA dated 16.10.2017.

The Commission questioned that if the applicant (now appellant) had returned the information, why did he submit his letter dated 23.11.2017 stating to put an end to the matter and had again requested to furnish him the information? The applicant (now appellant) is, therefore warned in returning the information without any reason or comments and also for non-appearance before the Commission in the hearing without any prior intimation to the Commission. The Commission, further cautioned the applicant (now appellant) not to abuse the powerful tool of RTI or create inconvenience to the public authority. The Commission also viewed that as a citizen, while enjoying the right to access information under the RTI Act, 2005, the citizen has, at the same time a duty/obligation to give his proper contact details that are necessary for contacting him as envisaged in Section 6(2) of the RTI Act, 2005.

The Commission also observed that since the RTI application dated 07.04.2017 was received by the public authority on the same day, and information furnished on **02.05.2017** by the former PIO & DFO, Shri. Senthil Kumar, IFS **by post**, there was no delay and hence penalty is not attracted.

DECISION:

On the above observations and findings, the Commission decided that since the information had already been furnished to the applicant (now appellant) on **08.12.2017**, Dr. Sentitula, IFS, Divisional Forest Officer & PIO, Peren Division, Jalukie shall confirm

satisfaction of the information from the applicant (now appellant) **within two (2) weeks** from the date of receipt of this decision, with a copy to this Commission.

On receipt of the above compliance, the Commission shall declare the case as closed.

Decision pronounced in presence of the respondents only on 08.03.2018.

Copy be given to:-

1. Shri. I. Panger Jamir, IFS, Principal Chief Conservator of Forest & Head of Forest Force and First Appellate Authority, Directorate of Forests, Ecology, Environment & Wildlife, Nagaland, Kohima, Mobile No. 9436006403.
2. Shri. Wepretso, IFS, Addl. Principal Chief Conservator of Forest & PIO, Directorate of Forests, Ecology, Environment & Wildlife, Nagaland, Kohima, Mobile No. 9436006413.
3. Dr. Sentitula, IFS, Divisional Forest Officer & PIO, Peren Division, Jalukie, Mobile No. 8575209378.
4. The applicant (now appellant), Shri. Renet N dang, Perenkipeuzang Village, Peren, Nagaland, Mobile No. 9436015902.
5. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
6. Office Copy.

Sd/-
CHANBEMO LOTH A
Chief Information Commissioner

Sd/-
G. H. RAMLIA
State Information Commissioner

Authenticated true copy:-

(WORHONTHUNG EZUNG)
Secretary