

# NAGALAND INFORMATION COMMISSION

Below Raj Bhavan, Officers' Hill Colony

Post Box No. 148

Nagaland, Kohima-797001

Tel: 0370-2242366 | Fax: 0370-2242368

Email: cic.nagaland@gmail.com | Website: www.nlsic.nagaland.gov.in

Facebook: Nagaland Information Commission | Twitter: nlsic\_nagaland



No.NIC/Appeal-12/2018-19.

Dated Kohima, the 12<sup>th</sup> April, 2019.

**Sub: Notice for Hearing on 9<sup>th</sup> May (Thursday), 2019 at 1:00 P.M.**

WHEREAS, under Section 19 of the RTI Act, 2005, the Nagaland Information Commission had received a second appeal dated 14.02.2019 jointly submitted by (i) Shri. Abel, (ii) Shri. Puloto and (iii) Shri. Akashe, Mobile No.9862290250/ 8837369415/ 9402087117 against the unsatisfactory and misleading of the information furnished by Er. Achakbou, Superintendent Engineer (Agri) in response to their First Appeal dated 10.01.2019 which was submitted against the non-response of the PIO, Directorate of Agriculture, Nagaland, Kohima to their RTI application dated 20.11.2018.

AND WHEREAS, the applicants, (i) Shri. Abel, (ii) Shri Puloto and (iii) Shri. Akashe, had earlier submitted an RTI application vide letter dated 20.11.2018 addressed to the Public Information Officer, Directorate of Agriculture, Nagaland, Kohima alongwith an application fee of `10/- seeking the following information:-

1. *Furnish how many fund has been sanctioned and under whose name the work order has been allotted for the ongoing retaining wall constrction executing inside the purview of the agri expo site adjoining to Hindi College boundary at 4<sup>th</sup> mile Dimapur.*
2. *How many areas of land were allotted for the establishment of sugarcane nursery and after bifurcation how many acres of land was bifurcated, kindly provide the deatils in square ft. wise along with sketch map.*
3. *Under whose authority was the clearance certificate been issued for the ongoing newly retaining wall construction beyond the already constructed retaining wall leaving a gap distance of 12 ft. in breadth and 724 ft in lenght ? Furnish the incomplete relevant documents for the onging retaining wall construction.*
4. *Why is the competent authority allowing the execution of onging retaining wall construction ? What is the provision of land that has been reserved between the old retaining wall and the newly ongoing retaining wall construction ? If the reserved land was converted into private property, kindly provide the xerox copy of the land patta issued and the secific date of issuing the land patta?*
5. *Provide the xerox copy of the dismantled ordered copy along with the specific date issued?*

AND WHEREAS, the RTI application dated 20.11.2018 was received by the Public Authority on the same day as evidenced on the body of the RTI application, however on not getting any response to his RTI application dated 20.11.2018, the applicants had, vide letter dated 10.01.2019 submitted a first appeal to the Director & First Appellate Authority, Agriculture, Nagaland, Kohima.

AND WHEREAS, on receipt of the first appeal dated 10.01.2019 by the Public Authority on the same day as evidenced on the body of the first appeal, the Director & FAA, Agriculture, Nagaland, Kohima had on 24.01.2019 at 11:00 A.M. heard the first appeal in the Office Chamber of the Director of Agriculture & FAA.

AND WHEREAS, after the hearing of the first appeal, the Director & FAA had, vide Order No.AGR/RTI-2/APPEAL/2016-17/6343-47 dated 24.01.2019 passed decision wherein the Superintendent Engineer (Agri) was directed to furnish the relevant information and documents pertaining to the Agri expo site as sought in the RTI application dated 20.11.2019 to the applicants (now appellants) on 28.01.2019 at 11:00 A.M.

AND WHEREAS, in compliance to the above decision of the Director & FAA dated 24.01.2019, Er. Achakbou, Superintendent Engineer (Agri) had, vide letter dated 24.01.2019 furnished the information to the applicants (now appellants).

AND WHEREAS, on receipt of the information on the specified date i.e. 28.01.2019 at 11:00 A.M., the applicants (now appellants) had submitted second appeal dated 14.02.2019 before the Commission stating that the information received was not satisfied since it was misleading as the Department had blatantly lied to them saying that the construction was carried out by one individual named, Shri. Kito himself without the knowledge and consent of the Department, whereas, in the following replies to:-

*Query No. (i), the information had explicitly mentioned that the department did not issue any work order nor sanctioned any fund for the construction of new retaining wall nor issued the order copy of dismantling the old retaining wall respectively.*

*Query No. (iv), had mentioned that the construction was initiated by the department (please refer to answer query No.i). They further questioned if the department did not sanction any fund nor issued any official work order for the construction of new retaining wall, how did the department be allowed an individual to carry out such activities within the government land by contracting the new retaining wall which is a public property? What more surprised to them was that Shri. Kito was encroaching the government land which is a public property but the government was deliberately reluctant to take action against him.*

AND WHEREAS, the Commission has decided to hear the appeal case giving opportunity of being heard to both the parties on **9<sup>th</sup> May (Tuesday), 2019 at 1:00 P.M.** in the **Hearing Room of Nagaland Information Commission, below Raj Bhavan, Officers' Hill Colony, Nagaland, Kohima.**

NOW THEREFORE, it is notified that the following parties are 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:-

- i. The Director & FAA, Agriculture, Nagaland, Kohima.
- ii. The PIO, Directorate of Agriculture, Nagaland, Kohima
- iii. Shri. Sanuzo Nienu, Joint Director & APIO, Directorate of Agriculture, Nagaland, Kohima.
- iv. Er. Achakbou, Superintending Engineer (Agri), Kohima, Nagaland
- v. The applicants (now appellant), (i) Shri. Abel, (ii) Shri. Puloto and (iii) Shri. Akashe,

Sd/-

**CHANBEMO LOTHIA**

**Chief Information Commissioner**

Dated Kohima, the 12<sup>th</sup> April, 2019.

No.NIC/Appeal-12/2018-19.

Copy to:

1. The PPS to the Chief Information Commissioner, Nagaland Information Commission for kind information of the CIC.
2. The PA to the State Information Commissioner (K), Nagaland Information Commission for kind information of the SIC (K).
3. The PA to the State Information Commissioner (R), Nagaland Information Commission for kind information of the SIC (R).
4. The Director & FAA, Agriculture, Nagaland, Kohima.
5. The PIO, Directorate of Agriculture, Nagaland, Kohima.
6. Shri. Sanuzo Nienu, Joint Director & APIO, Directorate of Agriculture, Nagaland, Kohima.
7. Er. Achakbou, Superintending Engineer (Agri), Kohima, Nagaland
8. The applicants (now appellant), (i) Shri. Abel, (ii) Shri. Puloto and (iii) Shri. Akashe, Mobile No.9862290250/ 8837369415/ 9402087117.
9. The Computer Programmer, Nagaland Information Commission for uploading on the Commission's website and Notice Board.
10. Office copy.

**(WORHONTHUNG EZUNG)**

Secretary