

NAGALAND INFORMATION COMMISSION
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No. NIC/Appeal-2/2014-15

Dated Kohima, the 12th June, 2014.

Appellant: Shri. K. K. Kulimbe,
Jalukie Town,
Opposite Christian School,
Mobile No. 9402245680, 9615261882

Respondents: 1. Shri. N. Tekatushi Ao,
Director & FAA,
Agriculture,
Nagaland, Kohima.

2. Shri. Helie Rupreo,
Joint Director & APIO,
Agriculture,
Nagaland, Kohima.

3. Shri. N. Henry Zeliang,
DAO & PIO,
Office of the District Agriculture Officer,
Peren, Nagaland.

Public Authority: Directorate of Agriculture, Nagaland, Kohima.

Date & time of hearing: 10.06.2014 (Tuesday) at 12:00 Noon.

Date of decision: 12.06.2014

Present:

1. Shri. N. Tekatushi Ao, Director & FAA, Agriculture, Nagaland, Kohima.
2. Shri. Helie Rupreo, Joint Director & APIO, Agriculture, Nagaland, Kohima.
3. Shri. N. Henry Zeliang, DAO & PIO, Office of the District Agriculture Officer, Peren, Nagaland.
4. The applicant(now the appellant), Shri. K. K. Kulimbe, Jalukie Town, Opposite Christian School, Mobile No. 9402245680, 9615261882.

FACTS OF THE CASE

An applicant, Shri. K. K. Kulimbe, Jalukie Town, Opposite Christian School, Mobile No. 9402245680, 9615261882 had submitted a RTI application dated 14.10.2013 addressed to the PIO & Nodal Officer, Agri and Allied, Peren, Nagaland alongwith an application fee of Rs. 10/-, seeking information relating to Human Resources Development under RKVY with the following details:-

1. From 2008-12 budget is Rs. 190.62 lakhs according to the information received from the Government for Peren District. So what are the projects which you have taken up till date?
2. How the beneficiaries are selected and who are the board members?
3. What are the villages and who are the beneficiaries, also please indicate the details of amount sanctioned to the beneficiaries till date (i.e. From 2008-13).
4. Progress report in detail of all Projects undertaken by your Department from 2008-13.
5. Total amount of expenditure/balance amount till date.

The above RTI application dated 14.10.2013 was received by the A.O, DAO Office, Peren on 22.10.2013 as evidenced on the photocopy of the RTI application.

However, on not getting any response to his RTI application dated 14.10.2013 within the stipulated time frame of the 30 days under the RTI Act, 2005, the applicant had preferred first appeal dated 13.02.2014 to the Director & FAA, Agriculture, Nagaland, Kohima. And the first appeal dated 13.02.2014 was received by the public authority on the same day i.e. **13.02.2014** as evidenced on the photocopy of the first appeal.

Further, on not getting any response to his first appeal dated 13.02.2014 from the Director & FAA, Agriculture, Nagaland, Kohima, the applicant(now the appellant) had preferred second appeal dated **23.04.2014** before this Commission, stating that there was no response from the Director & First Appellate Authority, Agriculture, Nagaland, Kohima to his first appeal dated 13.02.2014 which was submitted against the non-response of the PIO & Nodal Officer, Agriculture, Peren, Nagaland to his RTI application dated 14.10.2013.

Since there was neither any response to the RTI application dated 14.10.2013 from the PIO, Agriculture, Peren, Nagaland nor to the subsequent first appeal dated 13.02.2014 from the Director & FAA, Agriculture, Nagaland, Kohima, the Commission had decided to hear the appeal, giving opportunity to the parties, on **10th June, 2014 (Tuesday) at 12:00 noon.**

OBSERVATIONS & FINDINGS:

During the hearing, Shri. N. Henry Zeliang, DAO & PIO, Peren said that he had earlier verbally informed the applicant (now appellant) that there was no such information, since RKVY was not implemented by Agriculture Department in Peren. However, the applicant submitted that he did not receive any reply from the DAO & PIO, Peren.

The Commission observed that if there was no such information on RKVY as stated by the DAO & PIO, Peren during the hearing, the DAO & PIO, Peren should have transferred the RTI application to other public authority dealing with the RKVY scheme and under intimation to the applicant.

On being asked by the Commission as to how the applicant (now appellant) had in his RTI application got the figure of Rs. 190.62 lakhs during 2008-12, the applicant submitted that he had got the figure from a publication of the Department of Agriculture and had produced it before the Commission.

Shri. Helie Rupreo, Joint Director & APIO of the Directorate of Agriculture, Nagaland, Kohima explained that the RKVY scheme started in 2009 initially covered 9 (nine)

Agri and allied departments and in 2012 more departments were added. It was also clarified that Agriculture Department is the **Nodal Department** for the implementation of the RKVY Scheme and that the RKVY Scheme is implemented in all the districts in the State including Peren district.

And on the figure of Rs. 190.62 lakhs during 2008-12 for Peren district as published in the publication of the Department of Agriculture, Shri. N. Tekatushi Ao, Director & FAA, Agriculture, Nagaland, Kohima clarified that this amount was only a **financial proposal** prepared by the allied departments and not sanctioned amount released, and that the amount was not only for Agriculture Department but also for the allied departments under Peren district.

During the hearing, the Director & FAA, Agriculture had produced before the Commission vide letter No. AGR/RTI-3/2014-15 dated 09.06.2014 wherein he had directed the DAO & PIO, Peren to furnish the information to the applicant vide his letter No. AGR/RTI-2/2012-13/2818-19 dated 26.02.2014 and also the reply of the DAO & PIO, Peren vide his letter No. ATMA/EXTN-REF/GEN/2012-13 dated Nil but signed on 18.03.2014, that the Department of Human Resources Development have not been assigned to him and therefore could not be furnished.

However, on the explanation and submission of Shri. Helie Rupreo, Joint Director & APIO of the Directorate of Agriculture, Nagaland, Kohima, that Agriculture Department is the **Nodal Department** for the implementation of the RKVY Scheme and that the RKVY Scheme is implemented in all the districts in the State including Peren district, the Commission observed that Shri. N. Henry Zeliang, DAO & PIO, Office of the District Agriculture Officer, Peren, Nagaland had disowned having implemented the RKVY scheme by the Agriculture Department and had avoided the RTI application. And upon receipt of the first appeal dated 13.02.2014, when the Director & FAA had written to the DAO & PIO, Peren, only did the DAO & PIO, Peren replied to the applicant on 18.03.2014.

The DAO & PIO, Peren admitted that due to his ignorance and for the first time dealing with RTI had, only verbally informed the applicant and no official letter was written to the applicant.

DECISION/ ORDER

Basing on the findings and submission of the DAO & PIO, Peren, the Commission decides the following:-

1. Since the RTI application dated 14.10.2013 was received on 22.10.2013, and no reply was given to the applicant, the time limit of 30 days expired on 21.11.2013. And hence excluding the 30 days for the DAO & PIO, Peren to reply to the applicant, the total number of days of delay from the date of expiry of the 30 days i.e. 21.11.2013 to the date of reply of the DAO & PIO, Peren to the applicant on 18.03.2014 works out to be **117 days**. However, since the penalty amount for 117 days at the rate of Rs. 250/- per day of delay exceeds the maximum penalty amount of Rs. 25,000/-, under Section 20 of the RTI Act, 2005, the Commission imposes a penalty fine of Rs. 25,000/- (Rupees twenty five thousand only) on Shri. Henry Zeliang, DAO & PIO, Peren. The penalty amount shall be paid in **single instalment** within **one (1) month** from the date of receipt of this Commission's Decision. The penalty fine shall be deposited into the government

account through treasury challan in favour of the Consultant (Accounts), Nagaland Information Commission, Nagaland, Kohima under the Head of Account given below:-

0070 - Other Administrative Services,
60 - Other Services
118 – Receipts under RTI Act, 2005.

2. After collecting the information from the Directorate of Agriculture, the DAO & PIO, Peren is directed to furnish the information to the applicant **free of cost within 1(one) month** from the date of receipt of this Commission's Decision and with a copy to this Commission.

This appeal case shall be closed only after the compliance to the Commission's Decision is received.

Decision pronounced in presence of all concerned on this day, the 10th June, 2014.

Copy be given to:-

1. Shri. N. Tekatushi Ao, Director & FAA, Agriculture, Nagaland, Kohima.
2. Shri. Helie Rupreo, Joint Director, Agriculture, Nagaland, Kohima.
3. Shri. N. Henry Zeliang, DAO & PIO, Agriculture, Peren, Nagaland.
4. The applicant(now the appellent), Shri. K. K. Kulimbe, Jalukie Town, Opposite Christian School, Mobile No. 9402245680, 9615261882.
5. The Computer Programmer, Nagaland Information Commission for uploading on the website.
6. Office copy.

Sd/-
KEVININO P. MERU
State Information Commissioner,
Nagaland

Sd/-
BUKCHEM PHOM
State Information Commissioner,
Nagaland.

Authenticated by:-

(SOYIMNA AIER KOZA)
Secretary
Nagaland Information Commission

(KEVININO P. MERU)
State Information Commissioner,
Nagaland

(BUKCHEM PHOM)
State Information Commissioner,
Nagaland.

Sd/-

Sd/-

Authenticated by:-

(SOYIMNA AIER KOZA)
Secretary
Nagaland Information Commission