

NAGALAND INFORMATION COMMISSION
Old Secretariat Complex,
Post Box No. 148
Nagaland, Kohima - 797001.
Tel: 0370-2291041, Fax: 0370-2291774, Website: www.nlsic.gov.in

No. NIC/Appeal-5/2014-15

Dated Kohima, the 12th June, 2014.

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

Respondent: 1. Shri. R. Nangshi Jamir,
Director & FAA,
Soil and Water Conservation,
Nagaland, Kohima.

2. Shri. Hevikhe Sumi,
DSCO & PIO,
Soil and Water Conservation,
Jalukie, Peren, Nagaland.

Public Authority: Soil and Water Conservation, Nagaland, Kohima.

Date & time of hearing: 10.06.2014 (Tuesday) at 2:00 noon

Date of decision: 12.06.2014.

Present:

1. Shri. R. Nangshi Jamir, Director & FAA, Soil and Water Conservation, Nagaland, Kohima.
2. Shri. Hevikhe Sumi, DSCO & PIO, Soil and Water Conservation, Jalukie, Peren, Nagaland.
3. 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 APIO/PIO, Soil and Water Conservation, Jalukie, Peren, Nagaland alongwith an application fee of Rs. 10/-, seeking the following information:-

1. From 2008-12 budget is Rs. 1014.00 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 LDA, DSCO Office, Peren on **14.10.2013** 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 17.02.2014 to the Director & FAA, Soil and Water Conservation, Nagaland, Kohima.

The first appeal dated 17.02.2014 was received by the public authority on the same day i.e. **17.02.2014** as evidenced on the photocopy of the first appeal.

Further, on not getting any response from the Director & FAA, Soil and Water Conservation, Nagaland, Kohima to his first appeal dated 17.02.2014, 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, Soil and Water Conservation, Nagaland, Kohima to his first appeal dated 17.02.2014 which was submitted against the non-response of the PIO, Soil and Water Conservation, Jalukie, 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, Soil and Water Conservation, Peren, Nagaland nor to the subsequent first appeal dated 17.02.2014 from the Director & FAA, Soil and Water Conservation, Nagaland, Kohima, the Commission has decided to hear the appeal, giving opportunity to the parties, on **10th June, 2014 (Tuesday) at 2:00 P.M.**

OBSERVATIONS & FINDINGS:

Shri. Hevikhe Sumi, DSCO & PIO, Soil and Water Conservation, Jalukie, Peren, Nagaland submitted that the RTI application dated 14.10.2013 was received by the LDA on 14.10.2013, however, he received it only at the end of October, 2013. The DSCO & PIO, Peren also submitted that the information sought pertain to the tenure of his predecessor, Shri. K. Thungdemo Lotha, DSCO who was transferred and now posted in the Directorate in Kohima. The DSCO & PIO, Peren submitted that since all the records pertaining to the RTI application were retained for audit purpose, he had requested the applicant for extension of time, to which the applicant agreed. And a copy of the written document/certificate/handling over signed between Shri. K. Thungdemo Lotha, the outgoing DSCO, Peren and Shri. Hevikhe Sumi, DSCO, Peren the new incumbent was also produced before the Commission. Meanwhile, after collecting it from the Directorate in Kohima, the DSCO & PIO, Peren had, vide letter No. SC/NP/Gen-14/2013/156 dated 13.12.2013 furnished the information to the applicant. The Commission appreciated the efforts of the DSCO & PIO, Peren, though new, in collecting and providing the available information to the applicant.

The applicant, however, submitted that he had received the information but was not satisfied with the information since the list of beneficiaries and amount sanctioned to the beneficiaries from 2008-2013 were not provided to him. The PIO submitted that since the list of beneficiaries was not handed over to him by his predecessor, he could not provide to the applicant. Also a copy of the letter No. SC/WDP/GEN-10/2007-08/4911-12 dated 03.08.2013 written by the Director, Soil & Water Conservation, Nagaland, Kohima to Shri. K. Thungdemo Lotha, the former DSCO & PIO, Peren to handover all the records under his custody to the new incumbent i.e. Shri. Hevikhe Sumi, DSCO & PIO, Soil and Water

Conservation, Jalukie, Peren, Nagaland was produced before the Commission. However, the Commission observed that this letter of the Director was issued before the RTI application was filed and hence have no relation or relevance to the appeal case.

The Commission observed that since the applicant had sought for some additional information in his first appeal dated 17.02.2014 to the Director & FAA, Soil & Water Conservation, Nagaland, Kohima, hence decided that the additional information sought in his first appeal is not tenable. And if the applicant so desires, he should file another RTI application.

DECISION/ ORDER

After hearing the parties present, the Commission decided that the Director & FAA, Soil & Water Conservation, Nagaland, Kohima direct and ensure that Shri. K. Thungdemo Lotha, the former DSCO & PIO, Peren handover the records regarding the list of beneficiaries and amount sanctioned to the beneficiaries from 2008-2013 to Shri. Hevikhe Sumi, the present DSCO & PIO, Soil and Water Conservation, Jalukie, Peren, Nagaland who shall forward it to the applicant, with a copy to this Commission. This process shall be completed **within 2 (two) weeks** from the date of receipt of the Commission's Decision.

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

Decision pronounced in presence of all concerned on 10.06.2014.

Copy be given to:-

1. Shri. R. Nangshi Jamir, Director & FAA, Soil and Water Conservation, Nagaland, Kohima.
2. Shri. Hevikhe Sumi, DSCO & PIO, Soil and Water Conservation, Jalukie, Peren, Nagaland.
3. The applicant(now the appellant), Shri. K. K. Kulimbe, Jalukie Town, Opposite Christian School, Mobile No. 9402245680, 9615261882.
4. The Computer Programmer, Nagaland Information Commission for uploading on the website.
5. 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