

**NAGALAND INFORMATION COMMISSION
OLD SECRETARIAT COMPLEX
POST BOX NO. 148
NAGALAND
KOHIMA – 797001**

No./NIC/Compln-54/2010/

Dated Kohima, the 25th August, 2010

Complainant : **Mr. Pagai N dang C/o Sezoto Theyo, Assembly
Secretariat Phone No. 9856262538 Kohima**

Respondent : **Department of Land Revenue,**
Public Authority : **Government of Nagaland,
Kohima.**

Date of Hearing - **25.8.2010**

Present - **1. Shri Meilemla, Appellate Authority and Secretary
Land Revenue, Nagaland.**
**2. Shri Pagai N dang C/o Sezoto Theyo, Assembly
Secretariat Phone No. 9856262538 Kohima**
**3. Shri Tepuvisü Angami, Public Information Officer
Of Land Revenue Department was absent.**

FACTS

Shri Pagai N dang, C/o Sezoto Theyo Assembly Secretariat Kohima submitted an appeal to the Commission on 30.7.2010 stating that he had submitted an appeal to the Appellate Authority, Department of Land Revenue, Nagaland but on not receiving any information nor decision, he was submitting second appeal to the Commission to inquire under section 18 (1) (c) of the RTI Act 2005.

Shri Pagai N dang had submitted RTI Application addressed to the PIO Office of the Commissioner Nagaland, Kohima on 5.5.2010, seeking 4 items of information. The PIO, Commissioner's Office transferred the application to the PIO of Land Revenue Department, Nagaland on 18.5.2010, with information to D.C. Dimapur and the applicant, requesting that the information sought regarding rate for acquisition of land may be furnished to the applicant. The PIO, Office of the Commissioner also wrote on 18.5.2010 to the Deputy Commissioner, Dimapur, separately, forwarding copy of the RTI application of 5.5.2010 requesting the Deputy Commissioner to give the information to the applicant.

The PIO and Joint Secretary, Land Revenue Department on 20.5.2010 wrote to the Deputy Commissioner, Dimapur, enclosing a copy of the RTI application of 5.5.2010 and requested him to submit the information sought to the Land Revenue Department immediately for further necessary action.

In the meantime Shri Pagai Ndang, submitted an Appeal on 14.6.2010 to the Appellate Authority, Land Revenue Department stating that he had not received any information sought in his application of 5.5.2010 submitted to PIO Commissioner's Office which was transferred to Land Revenue Department on 18.5.2010, and requested the Appellate Authority to look into the matter. There was no decision of the Appellate Authority till the submission of complaint to the Commission on 30.7.2010.

The Commission took up the case as complaint under section 18 of the Act. During the hearing on 25.8.2010, Shri K. Sekhose, PIO and E.A.C. Commissioner's Office, Kohima stated that the information sought in the RTI application of 5.5.2010 could not be traced in the office of the Commissioner Nagaland hence he had transferred the application to the PIO of the Land Revenue Department on 18.5.2010 under Section 6 (3) of the Act. He submitted that the office of the Deputy Commissioner, Dimapur vide their letter of 16.6.2010 had provided him the requisite information sought, which he received on 21.6.2010 and furnished in his letter of 24.6.2010 to the applicant Shri P. Ndang. The applicant had declined to receive the same on the plea that he had already submitted appeal to the Appellate Authority of the Land Revenue Department.

The Appellate Authority, Secretary of Land Revenue Department informed the Commission that Office of the Commissioner and Deputy Commissioners deal with requisition and acquisition of land on case to case basis, while the Land Revenue Department deal with policy matters.

The Commission observe that the PIO, Office the Commissioner Nagaland had transferred the RTI application of 5.5.2010 to the Land Revenue Department on 18.5.2010, because he could not locate/trace out the information in his office, not on consideration that the subject is not connected with the functions of the Commissioner's Office. Shri K. Sekhose PIO, affirmed during the hearing the clarification given by the Secretary, Land Revenue Department that the subject matter under which the information was sought is within the purview of the Commissioner Nagaland and the Deputy Commissioners. Therefore the transfer of the RTI Application by the PIO Commissioner's Office, to the PIO Land Revenue Department because he could not locate/collect the information in his Department was not correct. The request of the PIO, Commissioner's Office to the Deputy Commissioner, Dimapur for providing the information sought would be under section 5 (4) and (5), except that the Deputy Commissioner, Dimapur would be required to provide the information to the PIO, Commissioner's Office and not to the applicant directly.

DECISION

The Commission find that the PIO, Commissioner's Office has furnished the information vide his letter on 24.6.2010, which the applicant Shri Pagai Ndang had declined to receive on the plea that he had appealed to the Appellate Authority and Secretary, Land Revenue Department and was expecting the decision of that Appellate Authority.

The Commission direct that the information as provided in the letter of 24.6.2010 of the PIO Commissioner's Office, Kohima should be furnished to the Applicant Shri

Pagai Ndang today. If thereafter, the applicant is not satisfied or is aggrieved, he may if he wishes to, appeal to the appropriate Appellate Authority.

The complaint is disposed off accordingly.

Pronounced in open proceedings today.

Copies be given to the parties.

Copy be sent to

1. The Additional Chief Secretary and Commissioner Nagaland, Kohima.
2. The Appellate Authority and the Secretary, Land Revenue Department, Nagaland, Kohima.

Sd/-

P. Talitemjen Ao, IAS (Rtd)
Chief Information Commissioner,
Nagaland

Sd/-

Rev.Dr. W. Pongsing Konyak
State Information Commissioner,
Nagaland

Sd/-

Dr. Kuhoi K Zhimomi
State Information Commissioner,
Nagaland.

Authenticated by

Under Secretary
Nagaland Information Commission
Kohima