

‘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/Complaint-10/2015-16

Dated Kohima, the 12th May, 2016.

Complainant : Shri. Sulanthung Lotha,
Baghty Town,
Wokha, Nagaland,
Mobile No. 9436001939, 8415921908

Respondent : The concerned PIO,
Directorate of Horticulture,
Nagaland, Kohima.

Public Authority : Directorate of Horticulture, Nagaland, Kohima.

Date of hearing : 26.04.2016 at 11:30 AM.
Date of Decision : 12.05.2016.

Present:

- i. Dr. R. E. Lotha, Deputy Director & PIO, Directorate of Horticulture, Nagaland, Kohima, mobile No. 9436002487.
- ii. Shri. T. Eluba, Assistant Horticultural Officer & APIO, Directorate of Horticulture, Nagaland, Kohima, mobile No. 9402826095.
- iii. Shri. Tongpang L. Jamir, Legal Consultant of the Department of Horticulture, Nagaland, Kohima, mobile No. 9862962689.

The applicant (now complainant), Shri. Sulanthung Lotha, Baghty Town, Wokha, Nagaland, Mobile No. 9436001939, 8415921908 did not appear for the hearing.

FACT OF THE CASE

An applicant, Shri. Sulanthung Lotha, Baghty Town, Wokha, Nagaland, Mobile No. 9436001936, 8415921908 had submitted a complaint dated 23.02.2016 stating that in response to his RTI application dated NIL, the concerned PIO had furnished partial information pertaining to the year 2013-14 and 2014-15, information sought under question No. 2, 3, 4, 6, 7, 8 & 10 from 2007 onwards was denied under Section 8(8) of the RTI Act.

The above applicant had earlier submitted an RTI application dated NIL addressed to the PIO, Directorate of Horticulture, Nagaland, Kohima seeking the following information:-

- 1) *Furnish a copy of guidelines of both HMT & HMNE.*
- 2) *Furnish a copy of Sanction order from the Ministry Govt. of India on Flowers from 2007 till date.*
- 3) *Furnish a copy of release order from the Finance Department, Govt. of Nagaland from 2007 till date on Flowers.*
- 4) *Furnish a copy of supply orders from 2007 till date on flowers.*
- 5) *Furnish a copy of rate of flowers both Govt and open market from 2007 till date*

- year wise.*
- 6) *Furnish a copy of bills on flowers against the beneficiaries from 2007 till date yearly wise and District wise.*
 - 7) *Furnish a copy of the manner of execution of subsidy programmes including the amount allocated and all the details of beneficiaries of seed programmes for 2007 till date according to 6.4 (XII) RTI Act 2005 on flowers.*
 - 8) *Furnish a copy APR from 2007 till date on flowers.*
 - 9) *Furnish a copy of amount paid to the beneficiaries per sq feet under flowers from 2007 till date.*
 - 10) *Furnish a copy of beneficiary's list year wise & District wise on flowers from 2007 till date.*
 - 11) *Furnish a copy of Cheque issued to the beneficiaries and who has issued the cheque from 2007 till date year wise and District wise on Flowers/Floriculture.*
 - 12) *Demand for Transparency on RTI Act 2005 section 6.2 of (J) I inspection of work, documents, and records from 2007 till date in all the scheme and programmes and III taken certified samples of material.*

The applicant had paid the prescribed application fee of Rs. 10/- (Rupees ten only) and had enclosed a copy of the receipt No. 0240 dated 14.09.2015.

On receipt of the above RTI application dated NIL on 14.09.2015, the PIO, Directorate of Horticulture, Nagaland, Kohima had vide letter No. HR/DTE/RTI/14-09/2015 dated **14.10.2015** furnished the information to the applicant. However, the period till the year 2013 of HMNEH falls under Section 8(8) of the RTI Act which is exempted and hence regretted that the information sought for that period cannot be furnished.

On not being satisfied with the reply of the PIO, Directorate of Horticulture, Nagaland, Kohima, the applicant had preferred a complaint dated 23.02.2016 to the Commission. Further, the applicant had also enclosed a photocopy of the High Court Judgment in Bhagat Singh vs CIC & Ors WP(C) No. 3114/2007 as decided on 03.12.2007.

The Commission decided to hear the complaint, giving opportunity to the parties on **26th April, 2016 (Thursday) at 11:30 AM** in the **Hearing Room of the Nagaland Information Commission, Old Secretariat Complex, Kohima** and also notified the parties **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 complainant) did not appear for the hearing.

During the hearing, Dr. R. E. Lotha, Deputy Director & PIO, Directorate of Horticulture, Nagaland, Kohima submitted that the full information could not be furnished to the applicant (now complainant) since a total of 103 files/documents pertaining to the periods from 2008-09 to 2012-13 were seized on 20.01.2015 by the Vigilance Commission for investigation. The PIO further submitted that some files/documents pertaining to the period 2007-08 were also seized as they were related to the period 2008-09. Copies of the **Seizure Memo** were produced and submitted before the Commission during the hearing.

Further, the PIO submitted that the information pertaining to the periods from 2013-14 to 2014-15 had been furnished for all the queries to the applicant (now complainant), except the information relating to the works during the period 2014-15 as the works for 2014-15 had NOT

been completed when the above RTI application was received. However, now the works for 2014-15 had been completed and the information ready.

The Commission observed that the PIO had furnished the information, though partially to the applicant within the 30 (thirty) days time limit.

DECISION:

On the above observations and findings, the Commission decided that the PIO shall, **within 2 (two) weeks** from the date of receipt of this decision:-

1. furnish the supplementary information for the completed works for the period 2014-15 to the applicant (now complainant), with a copy to this Commission; and
2. confirm with the Vigilance Commission that the case is under investigation for which the documents were seized.

On receipt of the above compliances, the Commission shall hear the case again for which the next date of hearing shall be notified later.

Decision pronounced in presence of only the respondents on 26.04.2016.

Copy be given to:-

1. Dr. R. E. Lotha, Deputy Director & PIO, Directorate of Horticulture, Nagaland, Kohima, mobile No. 9436002487.
2. The applicant (now complainant), Shri. Sulanthung Lotha, Baghty Town, Wokha, Nagaland, Mobile No. 9436001939, 8415921908.
3. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
4. Office Copy.

TOSHI AIER, IAS (Retd.)
Chief Information Commissioner

CHANBEMO LOTH
State Information Commissioner

Authenticated true copy:-

(WORHONTHUNG EZUNG)
Secretary