

NAGALAND INFORMATION COMMISSION

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No. NIC/Appeal-22/2016-17

Dated Kohima, the 13th March, 2018.

Appellants : (1) Shri. Moa Emchen,
Member Secretary,
PGD, NPCC, Mobile No.9862749595 and

(ii) Shri. Haiying,
Member, PGD, NPCC, Mobile No. 9402908307.

Respondents : (i) Shri. I. Panger Jamir, IFS,
Principal Chief Conservator of Forest & FAA,
Department of Forests, Ecology, Environment & Wildlife,
Nagaland, Kohima.

(ii) Shri. Wepretso, IFS,
Addl. Principal Chief Conservator of Forest & PIO,
Directorate of Forests, Ecology, Environment & Wildlife,
Nagaland, Kohima.

Public Authority : Directorate of Forests, Ecology, Environment & Wildlife,
Nagaland, Kohima.

Date of first hearing : 18.01.2017 at 12:00 PM.
Date of Decision : No Decision.

Date of second hearing : 19.09.2017 at 12:30 PM.
Date of second Decision : 25.09.2017

Date of third hearing : 08.03.2018 at 12:00 PM.
Date of third Decision : 13.03.2018.

Present:

1. Shri. I. Panger Jamir, IFS, Principal Chief Conservator of Forest & Head of Forest Force and First Appellate Authority, Directorate of Forests, Ecology, Environment & Wildlife, Nagaland, Kohima, Mobile No. 9436006403.
2. Shri. Wepretso, IFS, Addl. Principal Chief Conservator of Forest & PIO, Directorate of Forests, Ecology, Environment & Wildlife, Nagaland, Kohima, Mobile No. 9436006413.
3. The applicants (now appellants), Shri. Moa Emchen, Member Secretary, PGD, NPCC, Mobile No.9862749595 and
4. Shri. Haiying, Member, PGD, NPCC, Mobile No. 9402908307 did not appear for the hearing, however, he was represented by Shri. Kedou Wetsah, PGD, NPCC, Mobile No. 9436001640.

FACT OF THE CASE

The Commission had heard the Second Appeal No. **PGD-1/2015-16** dated **28.11.2016** submitted jointly by Shri. Moa Emchen, Member Secretary, PGD, NPCC, Mobile No.9862749595 and Shri. Haiying, Member, PGD, NPCC, Mobile No. 9402908307 against the non- response of the First Appellate Authority to their first appeal dated **14.09.2016** which was submitted against the non- furnishing of the requisite information by the concerned PIO to their RTI application vide letter No.**PGD-1/2015-16** dated **21.07.2016**.

The Commission had, after the hearing the appeal for the **second time** on 19.09.2017, passed its decision vide even No. dated 25.09.2017, wherein the PIO was directed to submit the following:-

- i. Letter written by the PIO, PCCF to the Divisions on 06.08.2016.
- ii. Dates of receipt of the letter of the PIO dated 06.08.2016 by the respective Divisions as per their Receipt Registers.
- iii. Copy of the information furnished by the respective Divisions alongwith forwarding letters to the PIO, PCCF.

However, since there was no compliance to its decision of even No. dated 25.09.2017 from the concerned PIO, Office of the Principal Chief Conservator of Forest, Forest, Environment & Climate Change, Nagaland and to ascertain the cause of delay in furnishing the information to the applicants (now appellants), the Commission had decided to hear the appeal again giving opportunity of being heard to all parties on **8th March, 2018 (Thursday) at 12:00 P.M** in the **Hearing Room of Nagaland information Commission, Below Raj Bhavan, Officers' Hill Colony, Nagaland, 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 Commission informed that the hearing was held again since there was no compliance to its last decision dated 25.09.2017. The Commission took a serious view in not complying to its decision.

During the hearing, the applicant (now appellant) stated that out of the seven (7) queries sought, replies for query Nos. 5, 6 & 7 only were received and satisfied. However, for query Nos. 1, 2, 3 and 4, the PIO had furnished 'NIL' report stating that the Forest Department do not have any such scheme of Forest Management. Further, referring to the submission of the PIO during the last hearing held on 19.09.2017 at 12:30 PM. that there was no such Forest Management Scheme, the applicant (now appellant) questioned how the Department could deny when money had been drawn in **three (3) Drawal Authorities** issued by the Finance Department under Forests Management Scheme, namely;

- i. Drawal Authority dated 03.07.2015 for Rs. 974.25 lakhs for implementation of scheme on Forest Management.
- ii. Drawal Authority dated 15.09.2015 for Rs. 225.13 lakhs for Intensification of Forests Management Scheme.
- iii. Drawal Authority dated 16.03.2016 for Rs. 122.60 lakhs for implementation of Intensification of Forests Management.

Copies of the above three (3) Drawal Authorities were also produced before the Commission during the hearing.

Shri. I. Panger Jamir, IFS, Principal Chief Conservator of Forest & Head of Forest Force and First Appellate Authority, Directorate of Forests, Ecology, Environment & Wildlife, Nagaland, Kohima clarified that Forests Management Scheme is different from Intensification of Forests Management Scheme which is about strengthening of infrastructure. He admitted that the department had received funds only for Intensification of Forests Management Scheme. Further, the FAA stated that during the time of RTI application, there was no such scheme as Forest Management Scheme, however, a new scheme was being launched. He further stated that he was not aware how the Finance Department had issued the Drawal Authorities for Forest Management Scheme which has not yet started.

The Commission observed that whether intensification of Forests Management Scheme or implementation of scheme on Forest Management, the schemes pertain to Forests Management Scheme and for which funds have been sanctioned. The Commission further questioned that if the department do not implement Forests Management Scheme, why the RTI application was transferred to the Divisions and some of the Divisions had also submitted information relating to the Forests Management Scheme?

Shri. Wepretso, IFS, Addl. Principal Chief Conservator of Forest & PIO, Directorate of Forests, Ecology, Environment & Wildlife, Nagaland, Kohima stated that in compliance to the decision of the Commission dated 25.09.2017, he had, vide letter No. FE-1/4/RTI-10/2016/5533-44 dated 18.10.2017 wrote to all the Divisions to submit the date of receipt and reply from the Divisions. However, out of the 12 Divisions, only 8 Divisions had submitted. And since the report was not complete, he did not want to submit incomplete report to the Commission.

DECISION:

On the above observations and findings, the Commission decided that:-

1. irrespective of the nomenclature of the Forests Management Scheme, Shri. Wepretso, IFS, Addl. Principal Chief Conservator of Forest & PIO, Directorate of Forests, Ecology, Environment & Wildlife, Nagaland, Kohima shall furnish the information relating to query Nos. 1, 2, 3 and 4, to the applicants (now appellants), with a copy to this Commission.
2. The above PIO shall, after collecting the information from the remaining Divisions, submit the information to the Commission as decided in its decision dated 25.09.2017.

The above compliances shall be submitted to the Commission **within 30 days** from the date of receipt of this decision.

Decision pronounced in presence of all parties present on 08.03.2018.

Copy be given to:-

1. Shri. I. Panger Jamir, IFS, Principal Chief Conservator of Forest & Head of Forest Force and First Appellate Authority, Directorate of Forests, Ecology, Environment & Wildlife, Nagaland, Kohima, Mobile No. 9436006403.
2. Shri. Wepretso, IFS, Addl. Principal Chief Conservator of Forest & PIO, Directorate of Forests, Ecology, Environment & Wildlife, Nagaland, Kohima, Mobile No. 9436006413.
3. The applicants (now appellants), Shri. Moa Emchen, Member Secretary, PGD, NPCC, Mobile No.9862749595 and Shri. Haiying, Member, PGD, NPCC, Mobile No. 9402908307.
4. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
5. Office Copy.

Sd/-
CHANBEMO LOTHIA
Chief Information Commissioner

Sd/-
G. H. RAMLIA
State Information Commissioner

Authenticated true copy:-

(WORHONTHUNG EZUNG)
Secretary