

NAGALAND INFORMATION COMMISSION
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No. NIC/Appeal-22/2016-17

Dated Kohima, the 25th September, 2017.

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

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

Respondents : (i) The Principal Chief Conservator of Forest & FAA,
Department of Forests, Ecology, Environment & Wildlife,
Nagaland, Kohima.

(ii) The concerned 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

Present:

1. The Principal Chief Conservator of Forest & First Appellate Authority, Department of Forests, Ecology, Environment & Wildlife, Nagaland, Kohima.
2. The concerned PIO, Directorate of Forests, Ecology, Environment & Wildlife, Nagaland, Kohima.
3. The applicants (now appellants), Shri. Moa Emchen, Member Secretary, PGD, NPCC, Mobile No.9862749595 and Shri. Haiying, Member, PGD, NPCC, Mobile No. 9402908307.

FACT OF THE CASE

Two applicants, Shri. Moa Emchen, Member Secretary, PGD, NPCC, Mobile No.9862749595 and Shri. Haiying, Member, PGD, NPCC, Mobile No. 9402908307 had jointly submitted an RTI application vide letter No.PGD-1/2015-16 dated 21.07.2016 addressed to the PIO, Directorate of Forest & Environment, Kohima, Nagaland alongwith the application fee of Rs. 10/- in cash seeking the following information:

1. *Furnish total received from the Ministry, GOI, for the scheme Forest Management for last 3 (three) years i.e., 2013-16, also furnish Xerox copy of sanction letter for the same.*
2. *Furnish the list and details of the beneficiaries/recipient of the scheme for the last 3(three) years.*
3. *Furnish Xerox copy of utilization certificate for the same.*
4. *Furnish Xerox copy of APR's (actual payee receipts) of each beneficiaries/recipient of the same.*
5. *Furnish total amount received from the Ministry, GOI, for the project Elephant for last 3 (three) years i.e., 2013-16, also furnish Xerox copy of sanction letter for the same.*
6. *Furnish in detail the implementation site of the project for the last 3 (three) years i.e., 2013-16.*

7. *Furnish Xerox copies of utilization certificate and APR's (actual payee receipts) of the project Elephant for the last 3 (three) years i.e., 2013-16.*

The RTI application was received by the Public Authority on 22.07.2016 as evidenced on the body of the application. However, on not getting any response from the concerned PIO to their RTI application dated 21.07.2016, the applicants had, vide letter No. PGD-1/2015-16 dated 14.09.2016 submitted a first appeal to the First Appellate Authority, Department of Forest & Environment, Nagaland, Kohima which was received by the Public Authority on 16.09.2016 as evidenced on the body of the application.

On not getting any response from the First Appellate Authority to their first appeal, the applicants (now appellants) had, vide letter No. **No. PGD-1/2015-16** dated **28.11.2016** preferred a second appeal before this Commission.

Since there was no response from 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 dated **21.07.2016**, the Commission has decided to hear the appeal, giving opportunity to all the parties **on 18th January, 2017 (Wednesday) at 12:00 P.M** in the **Hearing Room of the Nagaland Information Commission, Old Secretariat Complex, Kohima.** The Commission had also directed the following parties to appear before this Commission and **also to bring the files and relevant documents** in question for scrutiny, on the above date and time for hearing.

1. The Principal Chief Conservator of Forest & First Appellate Authority, Department of Forests, Ecology, Environment & Wildlife, Nagaland, Kohima.
2. The concerned PIO, Directorate of Forests, Ecology, Environment & Wildlife, Nagaland, Kohima.
3. The applicants (now appellants), Shri. Moa Emchen, Member Secretary, PGD, NPCC, Mobile No.9862749595 and Shri. Haiying, Member, PGD, NPCC, Mobile No. 9402908307.

As scheduled, the hearing was conducted on 18.01.2017 at 12:00 PM. and before the written decision of the Commission could be issued and basing on the oral decision passed by the Commission during the hearing, the PIO had furnished the information to the applicant (now appellant). However, the applicants (now appellants) had, vide letter No. PGD-1/2015-16 dated **12.04.2017** submitted to this Commission that the information was **incomplete** and **non-satisfied.**

Meanwhile, the Old Secretariat Complex wherein many offices and establishments including the Nagaland Information Commission were located was completely destroyed by fire on 02.02.2017 during the public unrest in connection with the issue of the ULB (Urban Local Bodies) elections, and no items and properties such as office files, case files, documents, records, IT equipments and office furniture etc. could be retrieved. And with no office building, the Commission had to function from the out-house of the official quarter of the State Information Commissioner at Agri Farm Colony on a stop-gap arrangement basis till an alternative office accommodation was allotted.

On the request of the Commission, the public authority had submitted copies of all correspondences, documents and records relating to the case for reconstruction of the case file, and the process of which could be completed only after shifting of the office to a new location around the 1st week of August 2017.

With the reconstruction of the case file and shifting of the office into a new building, the Commission has decided to hear the case again giving opportunity of being heard to all the parties on **19th September (Tuesday), 2017 at 12:30 P.M** in the Hearing Room of the Nagaland Information Commission, Below Raj Bhawan, Officers' Hill Colony, Nagaland, Kohima.

OBSERVATIONS AND FINDINGS:

The PCCF (E&CC) & FAA had, vide letter No. FE-1/4/RTI-10/2016/4635 dated 11.09.2017 informed the Commission his inability to attend the hearing on 19.09.2017 as he was scheduled to attend an important meeting on 18.09.2017 in Delhi called by the Ministry of Environment, Forests and Climate Change. Further, he had also vide letter No. FE-1/4/RTI-10/2016/4638 dated 11.09.2017 informed the Commission that Shri. Dharmendra Prakash, Addl. PCCF (Development & Planning) would represent the FAA during the hearing.

The applicants (now appellants) had received the notice for hearing on 09.09.2017 as evidenced from the Peon Book of the Commission, however, they did not appear for the hearing as it was learnt that they were on district tour.

The Commission observed that after the hearing was conducted on 18.01.2017 and before the written decision could be issued, the Office building including all files and records were completely burnt down by fire on 02.02.2017 during the public unrest. However, in compliance to the oral decision passed by the Commission during the last hearing, the public authority had submitted the following to the Commission:

- i. Copy of the information furnished to the applicants (now appellants) vide letter No. FE-1/4/RTI-10/2016 dated **11.11.2016**,
- ii. Chronological order of the dates of the correspondence letters regarding the RTI application.
- iii. the list of PIOs submitted vide letter No. FE-1/4/RTI-10/2016/7474 dated 20.01.2017.

During the hearing, Shri. Wepretso, Addl. PCCF (E&CC) & PIO stated that query Nos. 1, 2, 3, and 4 pertains to Forest Management Scheme whereas query Nos. 5, 6 and 7 relates to wildlife. And since the RTI was related to the Divisions, he had written to all the twelve (12) Divisions on **06.08.2016**. On receipt of the replies from some of the Divisions, and in response to the RTI application dated 21.07.2016 and first appeal dated 14.09.2016, he had furnished the information relating to query Nos. 5, 6, and 7 to the applicants (now appellants) on **11.11.2016**, however, for query Nos. 1, 2, 3, and 4 which pertains to Forest Management Scheme, he had given the reply as NIL report since the Department implement only 'Integrated Forest Management Scheme' and not 'Forest Management Scheme'.

The Commission observed that since the applicants had submitted that the information was **incomplete** and **non-satisfactory**, in the absence of the applicants during the hearing it was not possible to ascertain which are incomplete and which were unsatisfactory and the grounds for their non-satisfaction. Hence, the Commission decided to ascertain from the applicants (now appellant) in the next hearing.

The Commission also observed that there was delay in furnishing the information to the applicants. And, from the chronological order of the dates of the correspondence letters regarding the RTI application submitted by the PIO, the Commission observed that since the PIO of the Office of the PCCF had transferred to the 12 Divisions, under Section 5(5) of the RTI Act, 2005, the Officers in the Divisions have now become '**Deemed PIOs**'. And to ascertain the dates of receipt by the respective Divisions and their dates of reply to the PIO in the office of the PCCF, Kohima, the Commission shall hear the case again.

DECISION:

On the above observations and findings, the Commission decided that the PIO shall 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.

Since the 'Deemed PIOs' in the Divisions and the applicants (now appellants) were not present during the hearing, the Commission decided to hear the case again to ascertain the delays and also the non-satisfaction in the next hearing which shall be notified later.

Decision pronounced in presence of the respondent only on 18.01.2017.

Copy be given to:-

1. The Principal Chief Conservator of Forest & First Appellate Authority, Department of Forests, Ecology, Environment & Wildlife, Nagaland, Kohima.
2. The concerned PIO, Directorate of Forests, Ecology, Environment & Wildlife, Nagaland, Kohima.
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/-
TOSHI AIER, IAS (Retd.)
Chief Information Commissioner

Sd/-
CHANBEMO LOTHIA
State Information Commissioner

Sd/-
KEVIZATUO MIACHIEO
State Information Commissioner

Authenticated true copy:-

(WORHONTHUNG EZUNG)
Secretary