

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

No.NIC/Appeal-17/2011-12

Dated Kohima, the 19<sup>th</sup> March, 2012.

Appellant : Shri Theruovilie Mepfüo  
L. Khel, Kohima village,  
Kohima.

Respondent : The Secretary, Land Revenue  
Department, Nagaland,  
Kohima

Public Authority : Land Revenue Department,  
Nagaland, Kohima

Date of Hearing : 19.03.2012

Date of Decision : 19.03.2012

**Present**

1. Shri Y.L. Jami, IAS. Secretary & First Appellate Authority, Land Revenue Department, Nagaland, Kohima.
2. The PIO, Land Revenue Department, Nagaland, Kohima.
3. Smti. Limanenla, Under Secretary & APIO, Land Revenue Department, Nagaland, Kohima.
4. The appellant, Shri Theruovilie Mepfüo, L. Khel, Kohima village, Kohima.

**Facts of the case:**

1. The applicant Theruovilie Mepfüo had submitted a request under provisions of RTI Act, 2005, on **23.08.2011** along with prescribed fees to the PIO, Land Revenue Department, Nagaland, Kohima seeking queries on two (2) points, namely:
  - (a) Whether the Assam Land & Revenue Regulation Act, 1886 is in force in Dimapur area of Nagaland? If yes, by which Notification the Regulation has been made applicable? and

- (b) If in force, furnish a copy of the Notification issued under section 2 of Regulation 1 of 1886.
2. The Under Secretary and APIO, Land Revenue Department and not the PIO of Land Revenue Department furnished the information to the applicant vide letter No.LR/7-15/RTI/2005 (Pt) dated **27.09.2011**.
  3. The applicant, however, stated that the PIO/APIO had failed to give complete or relevant replies to his queries and has failed to furnish the document which was sought for, and therefore, preferred 1<sup>st</sup> Appeal to the FAA and Secretary, Land Revenue Department, Nagaland, Kohima, on **16.10.2011**.
  4. The Appellate Authority had on **15.12.2011** after the expiry of the admissible forty five (45) days time frame to dispose the appeals furnished the information directly to the appellants.
  5. The appellant vide his petition filed to the State Information Commission on **23.01.2012** contended that the replies furnished by the FAA are irrelevant and do not answer the queries made by him. The Commission therefore found the petition a fit case for admission and fixed 19<sup>th</sup> March, 2012 as the date of hearing.

### **Findings**

1. The Commission observes that in the first instance, the Under Secretary and APIO furnished the reply to the petitioner within 34 days of receipt of the application and not within 30 days as stipulated in the RTI Act, 2005. The Commission asked the FAA the grounds for the information being furnished by the APIO of the department and not by the PIO as provided in the Act. The clarification given by the PIO was accepted this time. However, in future, unless inadvertent, PIO and not APIO shall forward replies to the applicants/appellants.
2. From the documents available, it does not appear that the 1<sup>st</sup> Appellate Authority heard the PIO and the appellant and gave a quasi judicial decision **after hearing from both the parties**. In stead he had directly given the reply to the appellant and had also failed to dispose the appeal within the maximum stipulated time of forty five (45) days. The FAA disposed off the appeal after 60 days of receipt of the 1<sup>st</sup> appeal. The FAA gave the grounds for the delay in disposing the appeal and the formal request he had submitted to the appellant seeking extension of time for submission of reply.

3. The Commission is also convinced that the information furnished by the APIO on 23.09.2011 by the Secretary and FAA, Land Revenue Department on 15.12.2011 do not fully or satisfactorily answer the queries posed by the appellant.

**Interim decision:**

After due consideration of the statements of the PIO, the 1<sup>st</sup> Appellate Authority of Land Revenue Department and the appellant, the Commission decides as under:

- a) The Secretary and FAA and PIO of the Land Revenue Department **shall clearly and specifically state in writing whether or not** the Assam Land and Revenue Regulation 1886 is in force in the State of Nagaland **particularly Dimapur area** of the State or confined to any **specific area or mauza** of Dimapur District and if so, whether any notification has been issued on the matter. If the reply is in the affirmative, copy of notification be given to the appellant and copy to the Commission latest by **31.03.2012**.
- b) The FAA and PIO of Land Revenue Department shall take action on the second query of the appellant and clarify whether any notification has been issued pursuant to the amendment of the Assam Land and Revenue Regulation, 1886 (Regulation-I of 1886) notified vide notification No.LAW-213/78 dt. 30.9.1978 with specific reference to para-I (iii) of the said notification which stipulates that “It shall come into force on **such dates** and in **such areas** as the State Government may direct by notification in the official gazette”. **If such notification has been issued and published in the official gazette**, the same shall be forwarded to the appellants with copy to the **Nagaland Information Commission by 31.3.2012**.
- c) The FAA shall submit the details of the circumstances leading to the delay in his disposal of the appeal filed before him on the matter at hand and submit the same to the Commission by **31.3.2012**.

Final hearing shall be held and decision pronounced by the Nagaland Information Commission on 3.5.2012 at 1 PM. Issue notice to all concerned.

Interim decision pronounced in the presence of all concerned on 19<sup>th</sup> March, 2012.

Copy be given to:-

1. Shri Y.L. Jami, IAS. Secretary & First Appellate Authority, Land Revenue Department, Nagaland, Kohima.
2. The PIO, Land Revenue Department, Nagaland, Kohima.
3. Smti. Limanenla, Under Secretary & APIO, Land Revenue Department, Nagaland, Kohima.
4. The appellant, Shri Theruovilie Mepfuo, L. Khel, Kohima village, Kohima.

Sd/-

**Lalhuma IAS (Rtd)**  
Chief Information Commissioner,  
Nagaland, Kohima

Sd/-

**Kevinino P.Meru**  
State Information Commissioner,  
Nagaland, Kohima.

Sd/-

**Bukchem Phom**  
State Information Commissioner,  
Nagaland, Kohima

Authenticated by

Secretary  
Nagaland Information Commission