

NAGALAND INFORMATION COMMISSION

AGRI FARM COLONY, LANE-6, H/NO. AFC/578

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No. NIC/Appeal-3/2021-22

Dated Kohima, the 23rd August, 2021.

Appellants : i) Shri. Isaac Ovung
ii) Shri. Serangmong K. Sangtam
Nagaland Pradesh Youth Congress (NPYC), Congress Bhavan, Nagaland, Kohima-797001, Phone/No. 0370-2292349 /8131861731, Fax : 0370-2291367, Email : npyc2016@gmail.com.

Respondents :i) The Chief Executive Officer & FAA, Office of the Nagaland Khadi and Village Industries Board, Nagaland, Kohima-797001.
(ii)The Executive Officer & PIO, Office of the Nagaland Khadi and Village Industries Board, Nagaland, Kohima-797001.

Public Authority : Office of the Nagaland Khadi and Village Industries Board, Nagaland, Kohima-797001.

Date of Hearing : **11.08.2021.**

Date of Decision : **23.08.2021.**

Present:

- i) Shri. Kuhoyi Jimo, Chief Executive Officer & FAA, Office of the Nagaland Khadi and Village Industries Board, Nagaland, Kohima-797001.
- ii) Shri. Zhalezo Zhasa, Executive Officer & APIO, Office of the Nagaland Khadi and Village Industries Board, Nagaland, Kohima-797001.
- iii) The applicant (now appellant), Shri. Isaac Ovung.
- iv) The applicant (now appellant), Shri. Serangmong K. Sangtam.

FACT OF THE CASE

The Commission had received a Second Appeal under **Section 19 (3) of the Right to Information Act, 2005** dated **02.12.2020** from Shri. Isaac Ovung and Shri. Serangmong K. Sangtam, Nagaland Pradesh Youth Congress (NPYC), Congress Bhavan, Nagaland, Kohima – 797001, Phone No. 0370-2292349/ 8131861731, Fax : 0370-2291367, Email : npyc2016@gmail.com for furnishing unsatisfactory information by the PIO and unsatisfactory outcome of the First Appeal Hearing by the First Appellate Authority to their RTI application dated **15.09.2020** and subsequent First Appeal dated **28.09.2020**.

The applicants (now appellants), Shri. Isaac Ovung and Shri. Serangmong K. Sangtam, had earlier submitted an RTI application dated **15.09.2020** addressed to the PIO, Khadi and Village Industries Commission, Kohima, Nagaland seeking the following information:

- i. Please furnish the sanctioned order received by the department from the Centre for the Scheme of PMEGP during 2015 till date;
- ii. Please furnish the actual amount paid to each beneficiary in District wise during 2015 till date;
- iii. Please furnish the beneficiaries who had availed online payments (DBT/Cash/Cheques) for the last three years, 2015 till date;
- iv. Please furnish the release of payment order issued for the beneficiaries by the Department for the last five years, 2015 till date;

- v. *How much transport subsidies has the Department received for the last five years? Kindly furnish the sanction order along with list of distribution to the beneficiaries, from 2015 till date;*
- vi. *Please furnish the number of beneficiary Villages out of the total 1428 Villages, 26 Towns (19 statutory and 7 census Towns) under PMEGP;*
- vii. *Please furnish the sustainable employment of tradition and prospective artisans, rural and urban unemployed youth in Nagaland District wise from 2017 till date;*
- viii. *Kindly furnish the total no. of funds sanctioned and utilized funds under the Quantum and Nature of Financial Assistance of PMEGP, under the special category enlisted viz, SC/ST/OBC/Minorities, Women, Ex-Servicemen, Physically Handicap, Hill and Border areas etc. from 2015 till date;*
- ix. *Kindly furnish Guidelines and Committee list for selection of PMEGP 2020-21;*
- x. *Kindly furnish the selected list of beneficiary District wise of 2020-21 in soft copies (CD/Pen Drive).*

On not getting satisfactory information from the PIO, NKVIB, Kohima, Nagaland, furnished vide letter **No. KVI/RTI-1/2017-08/139** dated **24.09.2020** in reply to their RTI application dated **15.09.2020**, the applicants (now appellants) had, vide letter **No. NIL** dated **28.09.2020** submitted the First Appeal addressed to the First Appellate Authority, Office of the Khadi and Village Industries Board, Nagaland, Kohima.

Accordingly, Hearing of First Appeal was conducted on **30.09.2020 at 10:30 A.M** in the Office Chamber of Chief Executive Officer, NKVIB, Nagaland, Kohima and after hearing the parties i.e., the applicants and the PIO concerned, the FAA had passed decision vide Order **No.KVI/RTI-1/2007-08/140** dated **05.10.2020** stating that the CEO explained all other minute points regarding PMEGP implementation in the State which were discussed and clarified with the NPYC Office functionaries and they were satisfied with the explanation and resolved the Appeal under **Section 19 (1) of the RTI Act, 2005**.

On not being satisfied with the above decision of the FAA dated **05.10.2020**, the applicants (now appellants) had, vide letter **No. NIL** dated **07.10.2020** submitted an application to the FAA seeking to review the outcome of the First Appeal hearing. And in response to the application, the FAA had vide letter **No.KVI/RTI-1/2007-08/143** dated **12.10.2020** requested the applicants (now appellants) to specifically point out the question and reply furnished by the public authority which they are not satisfied.

The applicants (now appellants) in reply to the above mentioned FAA letter dated **12.10.2020** stated that, the outcome of the meeting was totally distorted and fabricated to the convenience of the NKVIB, and that, instead of clarifying and rectifying the manipulated meeting has referred to the appellants to point out unsatisfactory questions and reply furnished rather than correcting the needful to their satisfaction and that, they felt justice in dispensing fair reply of the information sought was denied. Therefore, they have decided to approach higher appropriate authority for justice as per the provision enshrined in the RTI Act, 2005.

The Commission, on receipt of the above mentioned Second Appeal dated **02.12.2020** from the applicants (now appellants), Shri. Isaac Ovung and Shri. Serangmong K. Sangtam, Nagaland Pradesh Youth Congress (NPYC), had issued a Directive to the FAA vide **No.NIC/Gen/RTI-19/17** dated **22.12.2020** to review the RTI application and furnish the correct and complete information as sought **within 45 (forty five) days**.

In response to the above Directive of the Commission dated **22.12.2020**, the Chief Executive Officer & FAA, NKVIB, Kohima vide letter **No.KVI/RTI-1/2007-08/142** dated **21.01.2021** addressed to the State Information Commissioner clarified on the matter and explained in detail regarding the case.

Since the Commission was not convinced and not satisfied with the above order **No.KVI/RTI-1/2007-08/140** dated **05.10.2020** and letter **No.KVI/RTI-1/2007-08/142** dated

21.01.2021 of the Chief Executive Officer & FAA, NKVIB, Kohima, the Commission has decided to hear the appeal giving opportunity of being heard to all the parties on **11th August (Wednesday), 2021 at 2:00 PM in the Hearing Room of Nagaland Information Commission, Agri-farm Colony, Lane-6, H/No. AFC/578, Nagaland, Kohima.**

OBSERVATIONS AND FINDINGS

The applicants (now appellants), Shri. Isaac Ovung and Shri. Serangmong K. Sangtam of NPYC appeared for the hearing. The respondents, Shri. Kuhoyi Jimo, Chief Executive Officer & FAA, Office of the NKVIB Nagaland, Kohima and Shri. Zhalezo Zhasa, Executive Officer & PIO, Office of the NKVIB, Nagaland, Kohima were present in the hearing.

During the hearing, the Commission decided to discuss the matter in seriatim of the information sought for as per their RTI application. Starting with query No. 1 of their RTI application, the Commission asked the applicants (now appellants) whether they have received the information or not, the applicants (now appellants) replied that they have received the information and are satisfied. Regarding query No. 2, the applicants (now appellants) replied that they were not satisfied with the information so furnished to them. The FAA explained that, whatever information was available in their official website (PMEGP e-portal of KVIC, Mumbai) had been furnished to the applicants (now appellants) however, they could not furnish the remaining information since the PMEGP guidelines keeps changing from time to time and also referring to the Directorate of PMEGP, KVIC, GOI Circular No. PMEGP/Policy/2020-21 dated 06.05.2020, the FAA explained that the NKVIB is functioning as a facilitator between the MSME/KVIC and the Bank for selection of suitable beneficiaries (artisans) and providing training to them to set up their own unit and that the Banks are the final authority to take decision for sanctioning the project based on the viability of the project under PMEGP Scheme guidelines so the KVIC has no hand in the selection of the beneficiaries. The Commission observed that referring to Section 6 (3) of the RTI Act, 2005, if the query is not under the prerogative of NKVIB, then the same should be immediately transferred to the Bank for necessary action who in turn became the deemed PIO. The FAA agreed to the decision and the applicants (now appellants) expressed their satisfaction. Moving on to query No. 3, the applicants (now appellants) replied they are satisfied. Regarding query No. 4, the applicants (now appellants) said they are satisfied with the explanation of the FAA. Regarding query No. 5, the FAA explained that the department does not deal with the transport subsidy nor received any fund under the PMEGP Scheme from any agency (KVIC/State Government) and the applicants (now appellants) expressed their satisfaction. Regarding query No. 6, the FAA explained that only banking areas are covered under the Scheme and non-banking areas are not covered due to technical reasons hence it is difficult for the Board to identify which beneficiary is from which Village and moreover the applications are submitted online and Village details are not captured. The applicants (now appellants) expressed their satisfaction. Regarding query No. 7, the FAA, referring to the Government of Nagaland, Industries and Commerce Notification No. IDA/PMEGP-1/2008 dated 30.10.2008 explained that, earlier under the Chairmanship of the Deputy Commissioner of the respective District, the District Task Force are constituted for selection of the beneficiaries which is now discontinued vide the Directorate of PMEGP, KVIC, GOI Circular No. PMEGP/Policy/2020-21 dated 06.05.2020. The applicants (now appellants) expressed their satisfaction. Regarding query No. 8, the FAA explained that earlier there was certain provision for SC/ST/OBC/Minorities, Women, Ex-Serviceman, Physically Handicapped, etc. under REGP Programme, but as per the new guidelines of PMEGP, the Government of India is focusing mainly the educated unemployed youth in the country and more preference is given to those technically educated. The applicants (now appellants) expressed their satisfaction. Regarding query No. 9, the FAA handed over the guidelines copies to the applicants (now appellants) during the hearing and they confirmed their satisfaction. Finally, coming to query No. 10, the FAA was not aware of the provision under Section 2 (j) of the RTI Act, 2005, hence, he was made aware and agreed that in future they will furnish the information as per the Act. In addition to that, the FAA also handed over the hard copy of the information as sought for to the applicants (now appellants) during the hearing and the applicants (now appellants) are satisfied.

DECISION

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

1. With regard to query No. 2 of the RTI application, since the information sought for does not come under the prerogative of the NKVIB, the FAA/PIO shall transfer the relevant query to the concerned public authority as per Section 6 (3) of the RTI Act, 2005.
2. Since the applicants (now appellants) have now confirmed their satisfaction to all the information furnished to them as sought for from the respondent, the FAA/PIO after transferring the query No. 2 to the appropriate authority shall obtain satisfaction/non-satisfaction in writing from the applicants (now appellants) and submit the same to this Commission **within 2(two) weeks** from the date of receipt of this Decision.

On receipt of the above compliances, the Commission shall declare the appeal case as **closed**.

Decision pronounced in the presence of both the parties on **11.08.2021**.

Copy be given to:-

1. Shri. Kuhoyi Jimo, Chief Executive Officer & FAA, Office of the Nagaland Khadi and Village Industries Board, Nagaland, Kohima-797001.
2. Shri. Zhalezo Zhasa, Executive Officer & PIO, Office of the Nagaland Khadi and Village Industries Board, Nagaland, Kohima-797001.
3. The applicants (now appellants), Shri. Isaac Ovung and Shri. Serangmong K. Sangtam, Nagaland Pradesh Youth Congress (NPYC), Congress Bhavan, Nagaland, Kohima - 797001, Phone/No. 0370-2292349 /8131861731, Fax: 0370-2291367, Email: npyc2016@gmail.com.
4. The Computer Programmer, Nagaland Information Commission for uploading on the Commission's website and Notice Board.
5. Office Copy.

Sd/-
KEVIZATUO MIACHIEO
State Information Commissioner

Sd/-
G. H. RAMLIA
State Information Commissioner

Authenticated true copy:-

(OBANGLA JAMIR)
Secretary
Nagaland Information Commission