

NAGALAND INFORMATION COMMISSION

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

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Nagaland, Kohima-797001

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No. NIC/Complaint-1/2020-21

Dated Kohima, the 23rd August, 2021.

- Complainants : i) Shri. Odi Jamir
M/No. 9862336389 / 9089069800
ii) Shri. S. T. Yapang Lkr.
M/No. 9612800973 / 9856714829
RTI Initiative Nagaland
House No. LA 734, Block-C
Lower Agri Colony,
Kohima-797001, Nagaland.
- Respondents :i) The Commissioner & Secretary & FAA, Industries & Commerce Department, Nagaland, Kohima-797001.
(ii)The Chief Executive Officer & FAA, Office of the Nagaland Khadi and Village Industries Board, Nagaland, Kohima-797001.
iii) The Executive Officer & PIO, Office of the Nagaland Khadi and Village Industries Board, Nagaland, Kohima-797001.
iv) The Executive Officer & Deemed PIO, Office of the Nagaland Khadi and Village Industries Board, Nagaland, Mokokchung-798601.
- Public Authority : Office of the Nagaland Khadi and Village Industries Board, Nagaland, Mokokchung-798601.
- Date of Hearing : **11.08.2021.**
- Date of Decision : **23.08.2021.**
- Present:
- Shri. Kekhrievor Kevichusa, Commissioner & Secretary & FAA, Industries & Commerce Department, Nagaland, Kohima-797001.
 - Shri. Kuhoyi Jimo, Chief Executive Officer & FAA, Office of the Nagaland Khadi and Village Industries Board, Nagaland, Kohima-797001.
 - Shri. Zhalezo Zhasa, Executive Officer & PIO, Office of the Nagaland Khadi and Village Industries Board, Nagaland, Kohima-797001.
 - Shri. Imlinuken Ao, Executive Officer & Deemed PIO, Office of the Nagaland Khadi and Village Industries Board, Nagaland, Mokokchung-798601.
 - The applicant (now complainant), Shri. S. T. Yapang Lkr.
- Not Present:
- The applicant (now complainant), Shri. Odi Jamir.

FACT OF THE CASE

The Commission had received a Complaint under Section-18 (C) of the RTI Act, 2005 addressed to the CIC, Nagaland, Kohima dated **22.06.2020** from Shri. Odi Jamir & S.T. YapangLkr, RTI Initiative Nagaland, House No. LA-734, Block-C, Lower Agri Colony, Kohima-797001, Nagaland, Ph. No. 9862336389 / 9089069800 / 9612800973 / 9856714829 for non-response of the PIO, Office of the Executive Officer, NKVIB, Mokokchung, Nagaland to their RTI application dated **18.05.2020 received on the same date.**

The applicants (now complainants), Shri. Odi Jamir & S.T. Yapang Lkr, had initially submitted an RTI application dated **18.05.2020** addressed to the PIO, Office of the Executive Officer, NKVIB, Mokokchung, Nagaland, seeking the following information:

1. *As per the information received from your department RTI NO.KVI/MKGRTI/2019-20/62 dated 10th Jan, 2020, the below mentioned beneficiaries (details of the beneficiaries appended as Annexure-I) has been approved and accorded the approval for award PMEGP loan. Thus, we would like to scrutiny the detail project report as submitted by the respective beneficiaries and also inspect the spot for certain clarification and verification.*
2. *Besides that, we would like to scrutiny the relevant documents i.e. inspection report of Inspector or others/Bank clearance Certificate if any/spot verification Certificate by Bank/NK&VIB officials etc.*

On receipt of the above mentioned Complaint dated **22.06.2020**, the Commission had issued a Directive of **even No. dated 06.07.2020** addressed to the PIO to allow the applicants (now complainants) for inspection and furnishing of documents as sought for under **Section 2 (j) i, ii, iii & iv of the RTI Act, 2005 within 20 (twenty) days from the date of receipt of the directive.**

In response to this Commission's above Directive, Shri. Imlinuken, Executive Officer, NKVIB, Mokokchung had written to the Commission vide letter **No.KVI/MKG/PMEGP/2008-09/85 dated 24.08.2020**, stating that the District office does not hold any responsibility to reply on the report, as the District office is a small organization, not a government body. Also, the District Office does not have PIO or APIO, and regarding the matter it is the responsibility of the PIO and APIO, which is present in NKVIB, Head Office, Kohima. Further, it stated that the Officer had received warning from the authority as it was not his responsibility to reply on the matter. Therefore, it is requested to consult the Chief Executive officer, NKVIB, Head Office, Kohima regarding the matter.

Meanwhile, Shri. Zhalezo Zhasa, PIO, NKVIB, Kohima had also written to the Commission in reference to the Commission's Directive of **even No. dated 06.07.2020**, stating that NKVIB is a statutory body constituted by the State Government under the Act (No. 5 of 1978) of Nagaland Legislative Assembly and started functioning since January, 1979. The Board is a small department and the District Offices are functioning with limited employees. Hence the Board has not appointed any PIO in the District level and entire RTI correspondence is being looked after by the NKVIB Head Office only. Further, it stated that as per the guideline of the PMEGP Scheme, the Banks are the sole authority to examine & sanction the unit under PMEGP Scheme. The KVIC has authorized IIE Guwahati to verify the unit with the remuneration of Rs. 1250/- per unit and no other agency is authorized to verify the unit. It is requested to communicate to complainants to deposit the said amount to the NKVIB District Office, Mokokchung.

In reference to the Executive Officer, NKVIB, Mokokchung letter **No.KVI/MKG/PMEGP/2008-09/85 dated 24.08.2020**, the Commission vide letter of **even No. dated 23.09.2020** clarified that NKVIB is a statutory body under the Directorate of Industries & Commerce Department and hence a public authority. And, since the RTI application was addressed to the Executive Officer, Mokokchung and the information sought relates to that office, he is deemed to be the PIO in this case under **Section 5 (5) of the RTI Act, 2005**. Moreover, it is the responsibility if the PIO to assist the applicants (now complainants). The Commission had also reiterated the earlier **Directive of dated 06.07.2020** and directed that, under **Section 2 (j) i, ii, iii & iv of the RTI Act, 2005** the applicants (now complainants) be allowed to scrutinize the detail project report and also inspect the spot for certain clarification and verification as sought by them at the rate mentioned in the Government of Nagaland Notification **No. AR-3/Gen-147/2005 (A) dated 30.11.2005 at para 4 (d) (copy enclosed) overriding the PMEGP Scheme inspection guidelines under Section 22 of the RTI Act, 2005**. Whatever information are available in your public authority may be furnished to the applicants (now complainants) and those not available or does not relate to your public authority may be transferred to the concern public authority

under **Section 6 (3) of the RTI Act, 2005**. Further, you are directed to confirm satisfaction or non-satisfaction of the information so furnished to them **within 20(twenty) days** from the date of receipt of this directive, with a copy to this Commission.

In reference to the above Directive dated **23.09.2020** of the Commission, Shri. Zhalezo Zhasa, Executive Officer & PIO, NKVIB, Kohima, had vide letter **No. KVI/RTI-1/2007-08/141 dated 052020**, submitted the following clarification;

- 1. Nagaland Khadi & Village Industries Board is a statutory body constituted by the State Government under the Act (No. 5 of 1978) of Nagaland Legislative assembly and it started functioning since January, 1979 under the administrative control of the Commissioner & Secretary, Industries department. The NKVIB is not functioning under the Directorate of Industries and Commerce.*
- 2. NKVIB is functioning as a facilitator between the MSME/KVIC and Bank for the selection of suitable beneficiaries (artisans) and providing EDP training to them to set up their own unit. Further, NKVIB is preparing Detail Project Report (DPR) for the units of selected beneficiaries of 11 Districts of Nagaland and coordinating with Banks for sanction of money. It is pertinent to mention here that the Banks are the final authority to take the decision for sanctioning the project whatsoever reasons the NKVIB shall not be liable for the same.*
- 3. The NKVIB Officers are not authorized to verify the unit sanctioned by the Bank or any unit not setup due to non-sanction by the Bank could not raise any claim against the NKVIB in any petition before the Court of Law since all selected beneficiary has executed undertaking which has been circulated by the MSME (copy enclosed). **Appended as Annexure-II.***
- 4. As per the directive of State Information Commissioner, if the Executive Officer has to verify the units along with the complainers, the actual service rendered by the Officer to the complainer who obtain the benefit of the service should pay the transportation and other expenses as per the KVIC guideline under the Section 6 (3.1) & (3.2) of the RTI Act, 2005. The Officer can't bear the expenditure from his pocket for rendering the service to the complainers for the complaint brought.*

Finally, on receipt of an application dated **11.11.2020** from the applicants (now complainants) with request for intervention, the Commission has decided to hear the above mentioned complaint giving opportunity of being heard to all the parties on **11th August, 2021 (Wednesday) at 11:00 A.M. in the Hearing Room of Nagaland Information Commission, Agri-farm Colony, Lane-6, H/No. AFC/578, Nagaland, Kohima.**

OBSERVATIONS AND FINDINGS

The applicant (now complainant), Shri. Odi Jamir had applied for leave due to unavoidable family work out of station and Shri. S. T. Yapang Lkr appeared for the hearing. The respondents Shri. Kekhrievor Kevichusa, Commissioner & Secretary & FAA, Industries & Commerce Department, Nagaland, Kohima, Shri. Kuhoyi Jimo, Chief Executive Officer & FAA, Office of the Nagaland Khadi and Village Industries Board, Nagaland, Kohima, Shri. Zhalezo Zhasa, Executive Officer & PIO, Office of the Nagaland Khadi and Village Industries Board, Nagaland, Kohima, and Shri. Imlinuken Ao, Executive Officer & Deemed PIO, Office of the Nagaland Khadi and Village Industries Board, Nagaland, Mokokchung were present in the hearing.

During the hearing, the Commission gave the opportunity to the FAA to appraise the house regarding the case. The FAA said that there are 3(three) implementing agencies in Nagaland Viz, NKVIB, KVIC & Industries & Commerce Department, and they get targets from Delhi. The FAA also said that they can furnish the list of the beneficiaries compiled in the department however they cannot guarantee that all the names mentioned in the list will be selected since the final authority for selection are the Banks. However, once the final selection is done by the Banks, they can furnish the same to the applicants (now complainants) for necessary inspection. The FAA also said that the pre and post inspection are done only by IIE Guwahati (Indian Institute of Entrepreneurship Guwahati). The Commission asked the respondents who prepare the Detail Project Report (DPR) and the Chief Executive Officer replied that it is prepared by KVIC, NKVIB, MSME, CA, etc.

When asked by the Commission whether they can furnish the DPR to the applicant (now complainant), the Chief Executive Officer replied that since the appraisal and approved report differs, and moreover, since the DPR is compiled along with the applications which latter on submitted in original directly to the Banks and they do not keep the same in their office hence not possible. The applicant (now complainant) expressed his satisfaction. The Commission also appraised the house the role and function of the NKVIB Offices and explained that the trend has also changed with time. When the Commission asked the respondents whether inspection can be allowed, the Chief Executive Officer replied that as per the existing PMEGP Scheme guidelines and IIE Guwahati laid down rate of Rs. 1250/- per unit, the applicant (now complainant) can do the inspection if so desired. The applicant (now complainant) said that he has already received the list of the beneficiaries earlier from Shri. Imlinuken Ao, Executive Officer & Deemed PIO, NKVIB, Mokokchung vide his letter ***NO.KVI/MKG/RTI/2019-20/62 dated 10.01.2020*** however, he is yet to get the DPR. But now, after the explanation heard from the respondents that it is practically not possible to furnish the DPR, he expressed satisfaction.

DECISION

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

Since the applicants (now complainants) has now confirmed their satisfaction to all the clarification of the respondents, the Commission shall declare the appeal case **closed**.

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

Copy be given to:-

1. Shri. Kekhrievor Kevichusa, Commissioner & Secretary & FAA, Industries & Commerce Department, Nagaland, Kohima-797001.
2. Shri. Kuhoyi Jimo, Chief Executive Officer & FAA, Office of the Nagaland Khadi and Village Industries Board, Nagaland, Kohima-797001.
3. Shri. Zhalezo Zhasa, Executive Officer & PIO, Office of the Nagaland Khadi and Village Industries Board, Nagaland, Kohima-797001.
4. Shri. Imlinuken Ao, Executive Officer & Deemed PIO, Office of the Nagaland Khadi and Village Industries Board, Nagaland, Mokokchung-798601.
5. The applicant (now complainant), Shri. S. T. Yapang Lkr. RTI Initiative Nagaland, House No. LA 734, Block-C, Lower Agri Colony, Kohima-797001, Nagaland. M/No. 9612800973 / 9856714829.
6. The Computer Programmer, Nagaland Information Commission for uploading on the Commission's website and Notice Board.
7. Office Copy.

Sd/-
KEVIZATUO MIACHIEO
State Information Commissioner

Sd/-
G. H. RAMLIA
State Information Commissioner

Authenticated true copy:-

(OBANGLA JAMIR)
Secretary
Nagaland Information Commission