

**NAGALAND INFORMATION COMMISSION**  
**AGRI-FARM COLONY, LANE-6, H/NO. AFC-578**  
**NAGALAND, KOHIMA-797001**



*Email: [cic.nagaland@gmail.com](mailto:cic.nagaland@gmail.com) | Website: [www.nlsic.nagaland.gov.in](http://www.nlsic.nagaland.gov.in)*

No.NIC/Complaint-1/2020-21

Dated Kohima, the 27<sup>th</sup> July, 2021

**Subject: Notice for Hearing on 11<sup>th</sup> August, 2021 (Wednesday) at 11:00 A.M.**

WHEREAS, 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. Yapang Lkr, 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*.

AND WHEREAS, 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 10<sup>th</sup> 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.*

AND WHEREAS, on not receipt of the above mentioned Complaint dated **22.06.2020**, the Commission 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.

AND WHEREAS, in reference to this Commission's Directive of **even No. dated 06.07.2020**, Shri. Imlinuken, Executive Officer, NKVIB, Mokokchung had written to the Commission vide letter **No.KVI/MKG/PMEGP/2008-09/85 dated 24.08.2020**, 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.

AND WHEREAS, Shri. Zhalezo Zhasa, PIO, NKVIB, Kohima had written to the Commission in reference to this 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.

AND WHEREAS, 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, 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 of 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.

AND WHEREAS, vide letter **No. KVI/RTI-1/2007-08/141 dated 052020**, Shri. Zhalezo Zhasa, PIO, NKVIB, Kohima 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.*

AND WHEREAS, since the Commission is not satisfied and convinced with the above justification/clarification of the PIO, the Commission has decided to hear the above mentioned appeal giving opportunity of being heard to all the parties on **11<sup>th</sup> 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.**

NOW THEREFORE, the following parties are directed 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. The following under mentioned officials are requested to attend the hearing with preventive measures such as wearing of face mask and social distancing etc. ***Only 2 (two) persons from each party will be allowed with strict protocol;***

1. Shri. Kekhrievor Kevichusa, Commissioner & Secretary & First Appellate Authority, Industries & Commerce Department, Nagaland, Kohima-797001.
2. Shri. Kuhoyi Jimo, Chief Executive Officer & FAA, Nagaland Khadi & Village Industries Board, Nagaland, Kohima-797001.
3. Shri. Zhalezo Zhasa, PIO, Nagaland Khadi & Village Industries Board, Nagaland, Kohima-797001.
4. Shri. Imlinuken Ao, Executive Officer & Deemed PIO, NKVIB, Mokokchung – 798601, Nagaland.
5. The applicants (now complainants), Shri. Odi Jamir & S.T. Yapang Lkr, RTI Initiative Nagaland, House No. LA-734, Block-C, Lower Agri Colony, Kohima-797001, Nagaland, *Ph. No. 9862336389/9089069800/9612800973/9856714829.*

Sd/-

**G. H. RAMLIA**

State Information Commissioner

**Dated Kohima, the 27th July, 2021**

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Copy to:

1. The PA to the State Information Commissioner (K), Nagaland Information Commission for kind information of the SIC (K).
2. The PA to the State Information Commissioner (R), Nagaland Information Commission for kind information of the SIC (R).
3. Shri. Kekhrievor Kevichusa, Commissioner & Secretary & First Appellate Authority, Industries & Commerce Department, Nagaland, Kohima-797001.
4. Shri. Kuhoyi Jimo, Chief Executive Officer & FAA, Nagaland Khadi & Village Industries Board, Nagaland, Kohima-797001.
5. Shri. Zhalezo Zhasa, PIO, Nagaland Khadi and Village Industries Board, Nagaland, Kohima-797001.
6. Shri. Imlinuken, Executive Officer & Deemed PIO , NKVIB, Mokokchung – 798601, Nagaland.
7. The applicants (now complainants), Shri. Odi Jamir & S.T. Yapang Lkr, RTI Initiative Nagaland, House No. LA-734, Block-C, Lower Agri Colony, Kohima-797001, Nagaland, *Ph. No. 9862336389/9089069800/9612800973/9856714829.*
8. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
9. Office Copy.

**(OBANGLA JAMIR)**

Secretary

Nagaland Information Commission