

**NAGALAND INFORMATION COMMISSION**  
**AGRI-FARM COLONY, LANE-6, H/NO. AFC-578**  
**NAGALAND, KOHIMA-797001**  
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No. NIC/APPEAL-5/2022-23

Dated Kohima, the 27<sup>th</sup> June, 2022

Appellants : i) Shri. Seyie Sachu,  
Mobile No. 9077157234  
and  
ii) Shri. Ato Angami,  
Mobile No. 7005638258

Respondents : (i) The Additional Development Commissioner & FAA,  
Planning & Co-ordination Department,  
Nagaland, Kohima-797001.

(ii) The Joint Development Commissioner & PIO,  
Planning & Co-ordination Department,  
Nagaland, Kohima-797001.

iii) The Deputy Development Commissioner & APIO,  
Planning & Co-ordination Department,  
Nagaland, Kohima-797001.

Public Authority : Planning & Co-ordination Department, Nagaland, Kohima.

Date of hearing : 22.06.2022 at 12:30 PM.

Date of Decision : 27.06.2022.

Present:

1. Shri. T. Akyuba Sangtam, Additional Development Commissioner & FAA, Planning & Co-ordination Department, Nagaland, Kohima-797001, Mobile No. 9436087123.
2. Shri. Augustine M. Yanthan, Joint Development Commissioner & PIO, Planning & Co-ordination Department, Nagaland, Kohima-797001, Mobile No. 8974343652.
3. Shri. N. Nlumo Murry, Deputy Development Commissioner & APIO, Planning & Co-ordination Department, Nagaland, Kohima-797001, Mobile No. 9856486278.
4. Er. Kiheto Yeptho, Executive Engineer, Planning & Co-ordination Department, Nagaland, Kohima-797001, Mobile No. 9436812099.
5. Shri. Atu Vasa, Planning Officer, Planning & Co-ordination Department, Nagaland, Kohima-797001, Mobile No. 9436007950.
6. The applicants (now appellants), Shri. Seyie Sachu, Rüsoma, M/No. 9077157234 & Shri. Ato Angami, Kohima, M/No. 7005638258.

**FACT OF THE CASE**

Shri. Seyie Sachu & Shri. Ato Angami, had submitted an RTI application dated *NIL* along with an application fee of Rs. 10/- paid in cash addressed to the PIO of Planning & Co-ordination Department, Nagaland, Kohima, seeking the following information under Section 2 (j) of the RTI Act, 2005:

1. *Project undertaken w.e.f 2012 to 2018-19 under Planning & Co-ordination Department, Work Order of;*
  - a. *Construction of Rüsoma Tribal Hall.*
  - b. *Construction of Youth Residential Hall Pfuchama Village.*
  - c. *Tribal Girls Hostel at Seikhazou.*
  - d. *Tribal Girls Hostel Seikhazou at Kohima.*
  - e. *Tribal Bhavan Mid-Land, Kohima.*
2. *Completion Certificate from concern Officer / Engineer of Project mention above.*
3. *All the photograph of the Project mention above.*
4. *Inspection of Works with concern Officer.*

On receipt of the above RTI application on **09.09.2021**, Shri. Augustine M. Yanthan, Joint Development Commissioner & APIO, Planning & Co-ordination Department, Nagaland, Kohima had, vide letter No. PLN/RTI/61/2015(Pt) dated 07.10.2021 furnished the information to the applicants. However, on not receiving the complete information, the applicants had submitted First Appeal dated NIL to the Appellate Authority, Planning & Co-ordination Department, Nagaland, Kohima.

On receipt of the above first Appeal dated NIL on 25.10.2021, the FAA had heard the matter and passed an order vide letter No. R-1/RTI/FAA/PIO & APIO dated 02.03.2022 after a lapse of 4 (four) months. Referring to the FAA's Order, Shri. T. Akyuba Sangtam, Additional Development Commissioner, Planning & Co-ordination Department, Nagaland, Kohima had, vide letter No. PLN/RTI/61/2015(Pt-IV) dated 04.03.2022 furnished the information as sought by the applicants(now appellants).

On receipt of the information from Shri. T. Akyuba Sangtam, Additional Development Commissioner, Planning & Co-ordination Department, Nagaland, Kohima, the applicants(now appellants) had preferred Second Appeal dated **30.05.2022** to the Commission stating that justice was denied in not furnishing the requisite information.

On receipt of the above Second Appeal dated **30.05.2022** on **31.05.2022**, since the requisite information had not been furnished to the applicants (now appellants), the Commission had decided to hear the above mentioned appeal giving opportunity of being heard to all the parties on **22<sup>nd</sup> June, 2022 (Wednesday) at 12:30 P.M in the Hearing Room of Nagaland Information Commission, Agri-farm Colony, Lane-6, H/No. AFC/578, Nagaland, Kohima** and had also directed the parties to bring the files and relevant documents in question for scrutiny, and to appear before the Commission on the above date and time for hearing, with preventive measures such as wearing of facemask and social distancing etc.:-

1. The Development Commissioner & FAA, Planning & Co-ordination Department, Nagaland, Kohima-797001.
2. The Additional Development Commissioner& PIO, Planning & Co-ordination Department, Nagaland, Kohima-797001.
3. The Joint Development Commissioner & APIO, Planning & Co-ordination Department, Nagaland, Kohima-797001.
4. The applicants (now appellants), Shri. Seyie Sachu, M/No. 9077157234 & Shri. Ato Angami, M/No. 7005638258.

### **OBSERVATIONS AND FINDINGS:**

The Commission observed that the information was furnished twice by the public authority - first by the Joint Development Commissioner vide letter No. PLN/RTI/61/2015(Pt) dated 07.10.2021 on receipt of the RTI application dated NIL on 09.09.2021, and again by the Addl. Development Commissioner vide letter No. PLN/RTI/61/2015(Pt-IV) dated 04.03.2022 on receipt of the first appeal on 25.10.2021 and after the FAA's Order dated 02.03.2022. However, the applicants (now appellants) were **not satisfied** stating that the information was **incomplete**.

The applicants (now appellants) stated that he received the reply from the PIO on 07.10.2021 and found out that some of the projects were not implemented. Hence he preferred first appeal and had approached the FAA several times but the FAA did not entertain them. Later the FAA had requested for one week which the applicant had agreed. The FAA had called for a hearing on 12.01.2022 wherein all their grievances were discussed and had given a decision on 03.03.2022 which they received on 04.03.2022 but still not satisfied.

**Regarding Query No. 1:** The applicants (now appellants) pointed out that the **Work Orders** for the following projects were received.

- a. *Construction of Rüsoma Tribal Hall.*
- b. *Construction of Youth Recreational Hall Pfuchama Village.*
- c. *Tribal Girls Hostel at Seikhazou, Kohima*
- d. *Tribal Bhavan Mid-Land, Kohima.*

The applicant, Shri. Seyie Sachu informed that he belong from Rüsoma village and stated that there is no Tribal Hall but a badminton stadium. In response, Er. Kiheto Yeptho, Executive Engineer, Planning & Co-ordination Department, Nagaland, Kohima pointed out that the information sought was for 2012 to 2018-19, however, he clarified that the Tribal Hall at Rüsoma village was sanctioned in 2010-11 and was not implemented during 2012-19. A copy of the Work Order vide No. PLN-15/2010(Coord)-I dated 17.08.2010 for the construction of Rüsoma Tribal Hall for an estimated amount of Rs. 44.00 lakhs, Completion Certificate and photographs were furnished to the applicants earlier. Moreover, he submitted that whatever information received from the Village Council of Rüsoma was furnished to the applicants.

On scrutiny of the information furnished to the applicants, the Commission observed that Work Orders have been furnished to the applicants (now appellants) for the construction of:-

- a. *Rüsoma Tribal Hall (though it was sanctioned in 2010 as stated by the PIO and the Engineer)*
- b. *Youth Recreational Hall Pfuchama Village in 2019.*
- c. *Tribal Girls Hostel Seikhazou at Kohima in 2017.*
- d. *Tribal Bhavan Mid-Land, Kohima in 2012.*

Further, since there was no sanction for Rüsoma from 2012 to 2019, supply of work order does not arise.

**Regarding Query No. 2:** The applicants stated that the **Completion Certificates** were received only for *Youth Recreational Hall, Pfuchama village* and *Tribal Bhavan Mid-Land, Kohima* whereas for the remaining following projects the Completion Certificates have not been received.

- a. *Rüsoma Tribal Hall*
- b. *Tribal Girls Hostel at Seikhazou.*
- c. *Tribal Girls Hostel Seikhazou at Kohima.*

The PIO, Planning & Co-ordination Department, Nagaland, Kohima explained that the *Tribal Girls Hostel at Seikhazou* was sanctioned by the Ministry of Tribal Affairs during 2016-17 with a project cost of Rs. 195.00 lakhs. The Ministry had released Rs. 15.00 lakhs during 2016-17 and the remaining amount of Rs. 45.00 lakhs during 2017-18. It is also clarified that both the above releases are for one and the same project only i.e. Tribal Girls Hostel at Seikhazou and Tribal Girls Hostel Seikhazou, Kohima.

The applicants (now the appellants) accepted with the above explanation of the PIO.

Further, Er. Kiheto Yeptho, Executive Engineer, Planning & Co-ordination Department, Nagaland, Kohima also stated that Completion Certificates for the above mentioned projects could not be furnished since the projects were implemented during the tenure of the previous Engineers and that the documents could not be located.

**Regarding Query No. 3:** the applicants (now the appellants) stated that **photographs** for all the above mentioned projects were received except for the *Tribal Bhavan Mid-Land, Kohima*. Also that instead of the photograph of the Rüsoma Tribal Hall, photographs of the badminton stadium at Rüsoma village were given.

The PIO stated that the Tribal Bhavan at Midland, Kohima was sanctioned by the Ministry of Tribal Affairs during 2012-13 with a project cost of Rs. 40.00 lakhs, and Work Order and Completion Certificate were furnished to the applicants, however photograph could not be furnished since the department could not locate the project site as the previous Engineers have retired/transferred out and the present/new Engineers were not aware of the project. Moreover, the case is under investigation by the Lokayukta and once the investigation is over, the outcome of the case shall be made known to the applicant.

Er. Kiheto Yeptho, Executive Engineer, Planning & Co-ordination Department, Nagaland, Kohima also stated that whatever documents regarding Rüsoma Tribal Hall received from the Village Council including the photographs had been given to the applicants.

**Regarding Query No. 4:** the applicants (now appellants) submitted that no inspection of Works with concerned Officer were undertaken.

The Commission viewed seriously the absence of the FAA during the hearing and enquired about the reason for his absence. Shri. T. Akyuba Sangtam, Additional Development Commissioner, Planning & Co-ordination Department, Nagaland, Kohima informed that Shri. Imokaba Jamir, IRS, Commissioner & Secretary, Planning & Coordination Department was the then FAA w.e.f 30.11.2021 and the present appeal case was heard on 12.01.2022 and decision passed on 02.03.2022. However, recently, he had been transferred to another department and the responsibility as the FAA was given to Shri. T. Akyuba Sangtam, Additional Development Commissioner, Planning & Co-ordination Department, Nagaland, Kohima.

Under Section 19(6) of the RTI Act, first appeal should have been disposed of within 30 days of the receipt of the appeal or within such extended period not exceeding a total of 45 days from the date of filing thereof. However, in the present appeal, the Commission observed that the first appeal dated NIL which was received on 25.10.2021 was heard very lately on 12.01.2022 and even after hearing of the first appeal on 12.01.2022, the decision was passed and issued only on 02.03.2022. Therefore, the FAA is cautioned to take RTI matters seriously and hear first appeals and dispose of within 30-45 days as stipulated in the RTI Act, 2005.

The Commission observed that there was no delay in furnishing the information to the applicants (now appellants), hence no penalty is attracted.

### **DECISION:**

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

1. The PIO, Planning & Co-ordination Department, Nagaland, Kohima shall, with the assistance of the previous and present engineers search the **Completion Certificates** for the following projects and furnish to the applicants (now the appellants) **within fifteen (15) days** from the date of receipt of this decision, with a copy to this Commission.
  - a. *Rüsoma Tribal Hall.*
  - b. *Tribal Girls Hostel Seikhazou at Kohima.*
2. Since no inspection of work was done as sought by the applicants (now the appellants) in their RTI application at query No. 4, the public authority i.e. the Planning & Co-ordination Department, Nagaland, Kohima shall with the assistance of the previous and present engineers undertake the site inspection alongwith the applicants (now appellants) for all the

following projects **free of cost within fifteen (15) days** and submit report of the inspection to the Commission.

- a. Rüsoma Tribal Hall.*
- b. Youth Recreational/ Residential Hall, Pfuchama Village.*
- c. Tribal Girls Hostel Seikhazou at Kohima.*
- d. Tribal Bhavan Mid-Land, Kohima.*

3. On receipt of the complete information from the public authority and completion of the site inspection of the project sites, the applicants (now appellants) shall submit satisfaction or non-satisfaction to the public authority **within 15 days** and with a copy to this Commission.

Decision pronounced in the presence of both the parties on 22.06.2022 at 12:30 PM.

Copies be given to:-

1. Shri. T. Akyuba Sangtam, Additional Development Commissioner & FAA, Planning & Co-ordination Department, Nagaland, Kohima-797001, Mobile No. 9436087123.
2. Shri. Augustine M. Yanthan, Joint Development Commissioner & PIO, Planning & Co-ordination Department, Nagaland, Kohima-797001, Mobile No. 8974343652.
3. The applicants (now appellants), Shri. Seyie Sachu, *M/No. 9077157234* & Shri. Ato Angami, *M/No. 7005638258*.
4. The Computer Programmer, Nagaland Information Commission for uploading on the website.
5. Office Copy.

Sd/-

**I. MEYIONEN JAMIR**

**Chief Information Commissioner**

Sd/-

**G. H. RAMLIA**

**State Information Commissioner**

Authenticated true copy:

(Obangla Jamir)  
Secretary