

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

Email: cic.nagaland@gmail.com | Website: www.nlsic.nagaland.gov.in



No. NIC/APPEAL-6/2022-23

Dated Kohima, the 27th June, 2022

Appellants : i) Shri. Odi Jamir,
and
ii) Shri. S. T. Yapang Longkumer,
RTI Initiative Nagaland,
H. No. LA-734, Block-C,
Lower Agri Colony, Kohima-797001, Nagaland,
Mobile Nos. 9612800973 / 9856714829.

Respondents : (i) Shri. A. Pangjung Jamir,
Director & First Appellate Authority,
Directorate of Land Resources,
Nagaland, Kohima

(ii) Dr. Sashiyangpa,
District Project Officer & PIO,
Land Resources,
Mokokchung- 798601, Nagaland.

Public Authority : Directorate of Land Resources, Nagaland, Kohima.

Date of hearing : 22.06.2022 at 11:30 AM.

Date of Decision : 27.06.2022.

Present:

1. Shri. A. Pangjung Jamir, Director & First Appellate Authority, Directorate of Land Resources, Nagaland, Kohima-797001, Mobile No. 9612171035.
2. Dr. Sashiyangpa, District Project Officer & PIO, Land Resources Department, Mokokchung- 798601, Nagaland, Mobile No. 9612153314.
3. The applicants (now appellants), Shri. Odi Jamir and Shri. S.T. Yapang Lkr, RTI Initiative Nagaland, H. No. LA-734, Block-C, Lower Agri Colony, Kohima-797001, Nagaland, M/No. 9612800973 / 9862336389/ 9856714829.

FACT OF THE CASE

Two applicants, Shri. Odi Jamir and Shri. S.T. Yapang Lkr, had submitted an RTI application vide RTI/No-167/LRD/MKG dated **06.01.2022** (*written in Ao dialect*) along with an application fee of Rs. 10/- in cash, addressed to the PIO, Office of the Project Director, Land Resources Department, Mokokchung, Nagaland, seeking the following information in regard to PMKSY-WDC, IWMP, Coffee and any other Schemes or Projects that are implemented under Mokokchung District w.e.f. 01.04.2015 till date:

1. Amount sanctioned / Xerox copy of Release Order from the Directorate of Land Resources (Coffee Board of India) to the Mokokchung District.
2. Xerox copy of Utilization Certificate (UC) of the Amount Sanctioned / Release Order from the Directorate of Land Resources (Coffee Board of India) to the Mokokchung District.

3. *In case the Coffee Board and above mentioned projects are not implemented by the Project Director, LRD, Mokokchung, kindly transfer the relevant portion of the RTI application under Section 6 (3) of the RTI Act, 2005 to the concern Department.*
4. *If the information sought for is more than 200 page, kindly furnish the information in Soft copy (CD).*

The above RTI application vide RTI/No-167/LRD/MKG dated 06.01.2022 was sent to the PIO, Office of the Project Director, Land Resources Department, Mokokchung through Post Office on 07.01.2022 vide RE458143689 IN and was received by the above public authority on 12.01.2022. However, on not receiving any information as sought from the PIO, the applicants had submitted First Appeal dated 02.03.2022 addressed to the Director & FAA, Land Resources Department, Nagaland, Kohima – 797001.

On receipt of the above mentioned First Appeal dated 02.03.2022 by the public authority, the Director & FAA, Directorate of Land Resources, Nagaland, Kohima had, vide letter No. DOLR/RTI-1/2020 dated 15.03.2022 issued a directive to the District Project Officer & PIO, Land Resources, Mokokchung, Nagaland to intimate with required information to the applicants at the earliest.

However, since there was neither information furnished nor any intimation from the public authority in spite of the directive letter No. DOLR/RTI-1/2020 dated 15.03.2022, the applicants (now appellants) had submitted a Second Appeal dated 27.05.2022 to the Commission with a request for intervention under the RTI Act, 2005.

On receipt of the above Second Appeal dated 27.05.2022 by the Commission on the same date i.e. 27.05.2022, the Commission had translated the RTI application vide RTI/No-167/LRD/MKG dated **06.01.2022** written in Ao dialect into English. Since the applicants (now appellants) have not received any information from the PIO, Office of the Project Director, Land Resources Department, Mokokchung till date in spite of the Director & FAA's direction dated 15.03.2022, the Commission had decided to hear the above mentioned appeal giving opportunity of being heard to all the parties on **22nd June, 2022 (Wednesday) at 11:30 A.M in the Hearing Room of Nagaland Information Commission, Agri-farm Colony, Lane-6, H/No. AFC/578, Nagaland, Kohima** and hence the following parties were directed to appear before the Commission and **also to bring the files and relevant documents** in question for scrutiny on the above date and time for hearing, with preventive measures such as wearing of facemask and social distancing etc.

1. The Director & First Appellate Authority, Directorate of Land Resources, Nagaland, Kohima-797001.
2. The Project Officer & PIO, Land Resources Department, Mokokchung- 798601, Nagaland.
3. The applicants (now appellants), Shri. Odi Jamir and Shri. S.T. Yapang Lkr, RTI Initiative Nagaland, H. No. LA-734, Block-C, Lower Agri Colony, Kohima-797001, Nagaland, *M/No. 9612800973 / 9856714829.*

OBSERVATIONS AND FINDINGS:

The applicant stated that he went to the Office in Mokokchung to submit the RTI application, however since the office was not opened, he had sent it by speed post on 07.01.2022. and which was received by the office on 12.01.2022 as per postal receipt.

Dr. Sashiyangpa, District Project Officer & PIO, Land Resources, Mokokchung stated that due to major repairing /renovation of the office the files were misplaced and computer system was down where all the required files and information were under recoveries, hence could not reply on time. He, however, produced the information before the Commission.

Shri. A. Pangjung Jamir, Director & First Appellate Authority, Directorate of Land Resources, Nagaland, Kohima also added that the Office in Mokokchung was under repair as explained by the PIO. He also added that he was out of station and hence could not hear the first appeal. He however stated that he would abide by whatever decision is being passed by the Commission.

The Commission was not convinced with the above submission of Dr. Sashiyangpa, District Project Officer & PIO, Land Resources, Mokokchung regarding the delay and viewed that had the PIO informed the applicants about the above reasons for the delay, some considerations could have been made. However, there was no reply from the PIO even after the 30 days time limit, and moreover, in spite of the Director & FAA directive letter No. DOLR/RTI-1/2020 dated 15.03.2022, there was neither information furnished nor any intimation to the applicants (now appellants), which resulted in filing Second Appeal dated 27.05.2022 to the Commission.

The Commission observed that from the date of receipt of RTI application by the public authority in Mokokchung on 12.01.2022 till the date of today's hearing on 22.06.2022, no information have been furnished. Hence, taking into account the 30 days time limit for the PIO in furnishing the information, the total number of days of delay is $161 - 30 = 131$ days, which has exceeded the 100 days limit, hence maximum penalty of Rs. 25,000.00 is attracted.

Section 19(6) of the RTI Act, mandates that the 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, the Commission observed that instead of simply issuing directive to the PIO, the Director & FAA should exercise his responsibility as the FAA by calling both the parties i.e. PIO and the applicants for hearing of the first appeal and pass decision within 30-45 days. Therefore, the Director & 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 in future.

Dr. Sashiyangpa, District Project Officer & PIO, Land Resources, Mokokchung stated that the government is there to help the farmers, however, he also disclosed that the applicants had, while seeking information under the RTI Act also pressurized (the PIO) to help the farmers of their recommendation. The PIO opined that if the applicant can also give list of beneficiaries, he was ready to extend help to the farmers provided they meet the requirements as per the guidelines.

The Commission pointed out that under the RTI Act, the applicant shall not be required to give any reason for requesting information. Whatever the PIO had pointed out was serious which amount to misuse or abuse of RTI and that applicants should not take advantage of the RTI, and cautioned the applicants to stick to seeking information under the RTI and not to go beyond the provisions of the Act.

DECISION:

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

1. Since the information was furnished after the expiry of the 30 days time limit, Dr. Sashiyangpa, District Project Officer & PIO, Land Resources, Mokokchung shall furnish all the information **free of cost within 20 (twenty) days** from the date of receipt of this decision to the applicants (now appellants) and with a copy to this Commission.
2. On receipt of the information, the applicants (now appellants) shall submit satisfaction or non-satisfaction to the Commission **within 15 (fifteen) days** from the date of receipt of the information. In case, no confirmation is received from the applicants (now appellants) within the time frame given by the Commission, the case shall be presumed as satisfied and no further request to re-open the case shall be entertained.

3. Under Section 20 (1) of the RTI Act 2005, penalty at the rate of Rs. 250/- per day of delay for the delay of more than 100 days, amounting to **Rs. 25,000/-** (Rupees twenty five thousand only) is imposed on Dr. Sashiyangpa, District Project Officer & PIO, Land Resources Department, Mokokchung, for his failure to furnish the information to the applicants within the prescribed time limit of 30 days without reasonable cause.

The above penalty amount shall be paid within **fifteen (15) days** from the date of receipt of this decision. The penalty amounts shall be deposited into the Government account through **treasury challan** in favour of the Accounts Officer, Nagaland Information Commission, Kohima under the Head of Account given below, with a copy (in original) to this Commission:-

0070 - Other Administrative Services

60 - Other Services

118 – Receipts under RTI Act, 2005

Decision pronounced in the presence of both the parties on 22.06.2022 at 11:30 AM.

Copies be given to:-

1. Shri. A. Pangjung Jamir, Director & First Appellate Authority, Directorate of Land Resources, Nagaland, Kohima-797001, Mobile No. 9612171035.
2. Dr. Sashiyangpa, District Project Officer & PIO, Land Resources Department, Mokokchung- 798601, Nagaland, Mobile No. 9612153314.
3. The Accounts Officer, Nagaland Information Commission, Nagaland, Kohima.
4. The Computer Programmer, Nagaland Information Commission for uploading on the website.
5. The applicants (now appellants), Shri. Odi Jamir and Shri. S.T. Yapang Lkr, RTI Initiative Nagaland, H. No. LA-734, Block-C, Lower Agri Colony, Kohima-797001, Nagaland, *M/No. 9612800973 / 9856714829*.
6. Office Copy.

Sd/-

I. MEYIONEN JAMIR

Chief Information Commissioner

Sd/-

G. H. RAMLIA

State Information Commissioner

Authenticated true copy:

(Obangla Jamir)
Secretary