

NAGALAND INFORMATION COMMISSION
AGRI-FARM COLONY, LANE-6, H/NO. AFC-578
NAGALAND, KOHIMA-797001
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No. NIC/APPEAL-26/2022-23

Dated Kohima, the 29th August, 2022

Appellant : Shri. Chuba Naga.
Mobile No. 9366662126.

Respondents : (i) Dr. Elithung Lotha,
Director & FAA, Horticulture,
Nagaland, Kohima-797001.

(ii) Shri. T. Eluba,
Horticulture Officer & PIO,
O/o The Directorate of Horticulture,
Nagaland, Kohima.

Public Authority : Horticulture, Nagaland, Kohima.

Date of hearing : 23/08/2022 at 01:00 P.M.

Date of Decision : 29/08/2022.

Present:

1. Dr. R. Elithung Lotha, Director & FAA, Horticulture, Nagaland, Kohima.
2. Shri. T. Eluba, Horticulture Officer & PIO, Directorate of Horticulture, Nagaland, Kohima.
3. Smti, Mapusenla Jamir, Asst. Horticulture Officer & APIO, Directorate of Horticulture, Nagaland, Kohima.
4. The applicant (now appellant), Shri. Chuba Naga, Mb- 9366662126.

FACT OF THE CASE

The Commission had on **07/12/2020** received second appeal dated **04/12/2020** from Shri. Chuba Naga, Kohima, Nagaland, Mb- 9366662126 against incomplete information furnished by the FAA in response to his first appeal dated **28/10/2020** which was submitted against the non-response of the PIO, Directorate of Horticulture, Nagaland, Kohima to his RTI application dated **17/07/2020**.

The applicant, Shri. Chuba Naga, had submitted an RTI application dated **17/07/2020** along with an application fee of Rs. 50 (fifty) addressed to the PIO, Directorate of Horticulture, Nagaland Kohima, seeking the following information in detail for Tuensang District from 2006 to 2019 along with the expenditure report and vouchers as mentioned below:

- 1) *Total amount received from by the Directorate of Horticulture Department Nagaland from both the Central and State.*
 - a. *Total amount received for 2006-2007, 2007-2008, 2008-2009, 2009-2010, 2010-2011, 2011-2012, 2012-2013, 2013-2014, 2014-2015, 2015-2016, 2016-2017, 2017-2018, 2018-2019.*
- 2) *Total amount distributed to district wise.*
 - a. *Kindly furnish the total amount received and its expenditure record and its voucher.*
- 3) *Types of schemes and projects allotted by the Directorate of Horticulture.*
- 4) *How many beneficiaries have been included so far under the pack house. Specify with details list of Village along with allocated zone and hector.*

- a. *Total amount received from both Central and state and its expenditure record. Kindly furnished along with actual payment and received voucher.*
- 5) *How many villages have been included so far under Horti Link Road. Specify with details list of the village along with allocated zone and hector.*
 - a. *Total amount received from both State and Central and its expenditure record.*
 - b. *List of beneficiaries group or individuals benefitted.*
 - c. *Kindly furnish along with actual payment and received vouchers.*
- 6) *Number of department farms. Specify with details list of the farm located with specification in setting u of said for.*
 - a. *Total amount received from both State and Central and its expenditure record.*
 - b. *List of tools, machineries & equipment so far.*
 - c. *Details progress report/ success story of each farm.*
 - d. *Kindly furnish along with actual payment and received vouchers.*
- 7) *How many villages have been included so far under water harvesting. Specify with details list of the village along with allocated zone and hector.*
 - a. *Total amount received from both State and Central and its expenditure record.*
 - b. *List of beneficiaries group or individuals benefitted.*
 - c. *Kindly furnish along with actual payment and received vouchers.*
- 8) *How many village have been included so far under MIDH. Specify with details list of the village along with allocated zone and hector.*
 - a. *Total amount received from both State and Central and its expenditure record.*
 - b. *List of beneficiaries group or individuals benefitted.*
 - c. *Kindly furnish along with actual payment and received vouchers.*

On receipt of the RTI application, Shri. T. Eluba, PIO, Directorate of Horticulture had, vide letter **No.HR/DTE/RTI/17-07/2020-21** dated **September 2020** intimated the applicant that the cost of information to be deposited for the information to be furnished was worked out to be Rs. 3926 (rupees three thousand nine hundred and twenty six) only for 1963 pages @ Rs. 2/- per page.

On receipt of the intimation letter the applicant had, vide voucher **No.0723** dated **26/10/2020** collected the information **free of cost** as mandated under section 7(6) of the RTI Act, 2005.

Shri. T. Eluba, PIO, Directorate of Horticulture had, vide letter **No.HR/DTE/RTI/17-07/2020-21** dated **September 2020** furnished the information to the applicant free of cost.

On not being satisfied with the information furnished by the PIO, Directorate of Horticulture, the applicant had submitted first appeal dated **28/10/2020** to the Director & FAA, Horticulture department.

On receipt of the first appeal dated 28/10/2020 and Rs. 10/- towards cost of appeal vide receipt **No. 0428** dated **28/10/2020**, the Director & FAA had, vide letter **No.HR/DTE/RTI/17-07/2020-21** dated **02/11/2020** while clarifying notified for hearing of first appeal to all the parties i.e. the applicant and the PIO concerned on **25/11/2020** at 11:00 hrs in the office chamber of the FAA.

On receipt of the notification for hearing of the first appeal to be held on **25/11/2020**, since all the points charted out by the PIO/APIO was manipulated, not satisfactory and incomplete RTI report, the applicant (now appellant), had submitted second appeal dated **04/12/2020** to the Commission.

On receipt of the second appeal, the Commission had, vide letter **No.NIC/Gen/RTI-19/17 /1256** dated **22/12/2020** directed the Director& FAA to submit a copy of its first appeal decision to the Commission.

In compliance to the Commission Directive dated **22/12/2020**, Dr. R. Elithung Lotha, Director & FAA, Horticulture had, vide letter **No.HR/DTE/RTI/17-07/2020-21** dated **14/01/2021** submitted a copy of the first appeal decision dated **19/12/2020** wherein detailed explanation and clarifications were given.

Since there is no response from the applicant (now appellant) regarding his satisfaction or non- satisfaction, the Commission has decided to hear the above mentioned appeal giving opportunity of being heard to all the parties on **23rd August, 2022 (Tuesday) at 01:00 P.M in the Hearing Room of Nagaland Information Commission, Agri-farm Colony, Lane-6, H/No. AFC/578, Nagaland, Kohima** and had 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.

- 1.Dr. R. Elithung Lotha, Director & FAA, Horticulture, Nagaland, Kohima.
- 2.Shri. T. Eluba, PIO, O/o The Directorate of Horticulture,Nagaland, Kohima
- 3.The applicant (now appellant), Shri. Chuba Naga, Kohima, Nagaland, Mb-9366662126.

OBSERVATIONS AND FINDINGS:

The applicant(now appellant), Shri. Chuba Naga stated that he had filed the RTI application as ENPO areas is the most neglected. He further stated that he had received the information from the PIO after the expiry of 30 days time limit and was not satisfied with the information as there were lots of anomalies and discrepancies in implementing the schemes. However, after the receipt of the Notice for hearing, he went for spot verification and had now satisfied with all the queries. He had also appreciated the FAA & PIO in giving him satisfactory information.

Dr. R. Elithung Lotha, Director & FAA, Horticulture, Nagaland, Kohima stated that the department had addressed the RTI appeal thoroughly and exhaustively and in a detailed manner as the RTI application covers from 2006- 2019. Further, the FAA had also appreciated the applicant (now appellant) for filing the RTI for public concern and for thoroughly examined the information furnished to him

The Commission had also commended the Director &FAA in passing an elaborate, meticulous and exhaustive order. He had also acknowledged the applicant (now appellant) for using RTI tool for a good cause.

The applicant (now appellant), Shri. Chuba Naga had expressed his satisfaction with the above explanation given by the FAA and the information furnished by the PIO as the PIO had furnished all the information in sequential manner. However, he pointed out that some of the projects meant for the District were diverted to other Districts.

The Commission observed that the applicant (now appellant) had rightly pointed out the diversion of projects to other Districts and had also cautioned the public authority to strictly adhere to the District allocation once decision is taken and not to divert funds/ Schemes/ Projects to other Districts in the future and also to ensure that funds & projects allocation be done in fair and equitable manner inclusive of all Districts.

Shri. T. Eluba, PIO, Directorate of Horticulture, Nagaland, Kohima, had submitted that the RTI application was received on 17/07/2020 and the RTI reply could be furnished only on 26/10/2020 due to the COVID Pandemic as he had contracted COVID on 01/08/2020 and was admitted in isolation ward for which the information could not be furnished on time. He submitted that the delay was not deliberate and that the information was furnished free of cost to the applicant.

Though there was a delay in furnishing the complete information to the applicant (now appellant), the Commission was convinced with the above submission of the PIO and had therefore condoned the delay and hence no penalty was imposed.

DECISION

In view of the above submission and observations, since the applicant (now appellant) had expressed his satisfaction with the information furnished by the PIO and that the delay was condoned, the Commission had decided to declare the appeal case **closed**.

Decision pronounced in the presence of both the parties on 23/08/2022 at 01:00 P.M.

Copies be given to:

1. Dr. R. Elithung Lotha, Director & FAA, Horticulture, Nagaland, Kohima.
2. Shri. T. Eluba, PIO, O/o The Directorate of Horticulture, Nagaland, Kohima
3. The applicant (now appellant), Shri. Chuba Naga, Kohima, Nagaland, Mobile No. 9366662126.
4. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
5. Office Copy.

Sd/-

I. MEYIONEN JAMIR
Chief Information Commissioner

Authenticated true copy:

(Worhonthung Ezung)
Deputy Secretary