

**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 3<sup>rd</sup> August, 2022

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

Respondents : (i) Shri. T. Akyuba Sangtam,  
Additional Development Commissioner & FAA,  
Planning & Co-ordination Department,  
Nagaland, Kohima-797001.  
  
(ii) Shri. Augustine M. Yanthan,  
Joint Development Commissioner & PIO,  
Planning & Co-ordination Department,  
Nagaland, Kohima-797001.  
  
iii) Shri. N. Nlumo Murry,  
Deputy Development Commissioner & APIO,  
Planning & Co-ordination Department,  
Nagaland, Kohima-797001.

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

Date of first hearing : 22.06.2022 at 12:30 PM.

Date of first Decision : 27.06.2022.

Date of second hearing : 29.07.2022 at 12:00 PM.

Date of second Decision : 03.08.2022.

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. 9436812099/7005008843.
5. Er. Shede, SDO, Planning & Co-ordination Department, Nagaland, Kohima-797001, Mobile No. 7005409317.
6. Shri. Atu Vasa, Planning Officer, Planning & Co-ordination Department, Nagaland, Kohima-797001, Mobile No. 9436007950.
7. Ms. Lipokchila Pongen, JSA, Planning & Co-ordination Department, Nagaland, Kohima-797001, Mobile No. 9862237041.
8. The applicant (now appellant), Shri. Seyie Sachu, M. Khel, Rüsoma, M/No. 9077157234.
9. Acquaintance of the applicant, Shri. Peter, Lower PWD, President, Kohima Town Youth Congress, Mobile no. 7085667147.

**FACT OF THE CASE**

The Commission had, on 22.06.2022 at 12:30 PM. heard the Second Appeal dated **30.05.2021** submitted by Shri. Seyie Sachu, M/No. 907715234 & Shri. Ato Angami, M/No. 7005638258, for incomplete information furnished by the PIO, Planning & Co-ordination Department vide letter No.PLN/RTI/61/2015 (Pt) dated 07.10/2021 and subsequent First Appeal hearing by the FAA and Order passed on 02.03.2022.

After the hearing on 22.06.2022 at 12:30 PM., the Commission had passed decision vide even No. dated 27.06.2022. In compliance to the **decision No. 1** of the Commission, the PIO had, vide letter No. PLN/RTI/714/22 dated 11.07.2022, furnished the Completion Certificate in respect of Rüsoma Tribal Hall. However, the Completion Certificate in respect of Tribal Girls Hostel Seikhazou at Kohima has not been furnished.

Also, in compliance of the **decision No. 2** of the Commission, the PIO had vide letter No. PLN/RTI/714/22 dated 01.07.2022, notified for site inspection of the Projects on 06.07.2022 at 10.30 AM. Accordingly, site inspection was held on **06.07.2022** and the applicants (now appellants) had submitted Joint Verification Report of Rüsoma Tribal Hall, Youth Recreational/Residential Hall, Pfuchama Village and Tribal Girls Hostel Seikhazou at Kohima. However, no site inspection was held in respect of Tribal Bhavan Mid-Land, Kohima stating that the Project is under Investigation by Lok Ayukta bearing **Case No. R.C 7/2018 dated 20.11.2018**.

Since the Completion Certificate in respect of Tribal Girls Hostel Seikhazou at Kohima could not be furnished, and that site inspection in respect of Tribal Bhavan Mid-Land, Kohima was not held and also that the Commission is not convinced with the Joint Verification Report as only the applicants (now appellants) seemed to have carried out the inspection, that too, on the same day in spite of the Projects located at different Villages, the Commission decided to hear the case again by giving opportunity of being heard to all the parties on **29<sup>th</sup> July, 2022 (Friday) at 12:00 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 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, with preventive measures such as wearing of face mask and social distancing etc.

1. Shri. T. Akyuba Sangtam, Addl. Development Commissioner & FAA, Planning & Co-ordination Department, Nagaland, Kohima-797001.M/No. 9436087123.
2. Shri. Augustine M. Yanthan, Joint Development Commissioner & PIO, Planning & Co-ordination Department, Nagaland, Kohima-797001.M/No. 8974343652.
3. Er. Kiheto Yephtho, Executive Engineer, Planning & Co-ordination Department, Nagaland, Kohima-797001
4. The applicants (now appellants), Shri. Seyie Sachu, M/No. 907715234 & Shri. Ato Angami, M/No. 7005638258.

#### **OBSERVATIONS AND FINDINGS:**

Shri. Augustine M. Yanthan, Joint Development Commissioner & PIO, Planning & Co-ordination Department, Nagaland, Kohima had, vide letter No. PLN/RTI/714/22 dated 11.07.2022 submitted a copy of the Completion Certificate for Rüsoma, however, for the Tribal Girls Hostel at Seikhazou, Kohima, though Work Order was furnished along with photograph of the building, the department was not in a position to trace out the **Completion Certificate** as none of the previous officers were able to be traced out. However, as directed by the Commission, inspection was carried out on **06.07.2022** and the applicants had expressed satisfaction in the presence of both the parties and the village councils since the standing building was functioning in full swing. The PIO further submitted that although the Completion Certificate for the Tribal Girls Hostel at Seikhazou, Kohima was not placed on record, the Joint Verification Report would substantiate with regard to the completion of the said project as the building construction was completed and the facilities are functioning smoothly.

Regarding the Tribal Bhavan Mid-Land, Kohima, the PIO submitted that the Joint Verification team had mutually agreed not to inspect it since the project was under investigation by Lok Ayukta in Case No. R.C 7/2018 dated 20.11.2018, and was also communicated to the applicants accordingly. The department once again submitted that no such record was available and for which all information pertaining to Tribal Bhavan Mid-Land, Kohima would be subject to the Lok Ayukta investigation. The PIO further stated that the project was implemented during the previous incumbents, however, as submitted earlier, the location was not known since the previous Engineers have retired/transferred out and they could not be contacted.

During the hearing, the applicant (now appellant), Shri. Seyie Sachu also informed that as decided by the Commission in its last hearing held on 22.06.2022 at 12:30 PM, the site inspection of the following projects were carried out and was **satisfied**.

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

However, no inspection of the *Tribal Bhavan Mid-Land, Kohima* was done since the project was under investigation at Lok Ayukta and shall wait for the outcome of the investigation.

The Commission observed that the public authority had furnished all the Completion Certificates to the applicants(now appellants) except for the *Tribal Girls Hostel Seikhazou at Kohima* which cannot be an exception when the building has been completed and functioning swiftly and in full swing as deposed by the PIO and after the site inspection.

The Commission also observed that when the Completion Certificate for the *Tribal Bhavan Mid-Land, Kohima* was furnished to the applicants(now appellants),the public authority could not show the project location to the applicants, Lok Ayukta and the Information Commission. Further, RTI is a time bound matter but investigation may take years to complete and hence cannot wait for the outcome of the investigation. Moreover, the public authority/department should come out clean and admit on the status of the projects.Furthermore, if the public authority cannot locate the documents or show the location of the project to the applicants and the Lok Ayukta, the department shall try to exhaust all efforts before drawing any conclusions.

### **DECISION:**

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

1. The Public authority i.e. the Planning & Co-ordination Department, Nagaland, Kohima shall constitute an **Inquiry Committee** to:-
  - a. Search the **Completion Certificate** for the *Tribal Girls Hostel Seikhazou at Kohima*;
  - b. Determine the **location** of the *Tribal Bhavan Mid-Land, Kohima* after carrying out the site inspection.

and shall submit its report on the findings in the form of sworn affidavit within **seven (7) days** from the date of receipt of this decision, with a copy to this Commission.

2. Since the applicants (now appellants) had expressed satisfaction with whatever information received, they shall submit a letter of satisfaction to the public authority **within seven (7)days** and with a copy to this Commission.

Decision pronounced in the presence of both the parties on 29.07.2022 at 12:00 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**

Authenticated true copy:

(Worhonthung Ezung)  
Deputy Secretary