

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

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No. NIC/ APPEAL-24/2022-23

Dated Kohima, the 14th September, 2022

Appellant : Shri. Kelhuzhato Nakhro,
Kohima, Nagaland,
Mobile No. 9612971480,

Respondents : (i) Shri. A. Pangjung Jamir,
Director & FAA,
Directorate of Land Resources,
Nagaland, Kohima-797001.

(ii) Shri. Ahozhe Sema,
Deputy Director & PIO,
Directorate of Land Resources,
Nagaland, Kohima-798611.

(iii) Shri. Zuben Kithan,
UDA & APIO,
Directorate of Land Resources,
Nagaland, Kohima-798611.

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

Date of hearing : 24/08/2022 at 11:30 A.M.

Date of Decision : 14/09/2022

Present:

1. Shri. Ahozhe Sema, Dy. Director & PIO, Directorate of Land Resources, Nagaland, Kohima-798611.
2. Shri. Zubemo Kithan, UDA & APIO, Directorate of Land Resources, Nagaland, Kohima-798611.
3. The applicant (now appellant), Shri. Kelhuzhato Nakhro, Kohima, Nagaland, Mb-9612971480.
4. Representative of the applicant, Shri. Khrieliehu, DBS Colony, 8974248336.

Shri. A. Pangjung Jamir, Director & FAA, Directorate of Land Resources, Nagaland, Kohima **did not** appear for the hearing.

FACT OF THE CASE

An applicant, Shri. Kelhuzhato Nakhro had submitted an RTI application dated ***NIL*** along with an application fee of Rs. 10 (Ten) addressed to the PIO, Directorate of Land Resources, Nagaland, Kohima, seeking the following information under RTI Act, 2005:

- 1) *Amount sanctioned under CSS/SS/NEC during the year 2016-17 to 2019-21 under PMKSY/ Plantation of coffee and maintenance of Coffee/ plantation of Rubber and maintenance of rubber farm.*
- 2) *Under which District wise it has been implementation under the above mentioned scheme.*
- 3) *Under which district the CSS/SS implemented village wise.*

- 4) *Details of amount sanctioned under CSS/NEC during 2016-17 to 2019-2020 against PMKSY/Coffee/Rubber by the central, the State Government and through how many instalments.*
- 5) *Provide photocopy of the sanctioned order from the Ministry as well as Drawal Authority letter issued by the Finance Department and Administrative approval.*
- 6) *Name of the beneficiaries under the above mentioned Schemes District wise along with the amount sanctioned to each beneficiaries.*

The above RTI application was received by the public authority on **18/03/2021** as evidenced on the body of the application. However, on not getting any response from the PIO, Directorate of Land Resources the applicant had submitted first appeal dated **27/07/2021** to the Director & FAA, Land Resources, Nagaland, Kohima.

On receipt of the first appeal dated **27/07/2021** on the same date i.e **27/07/2021**, some information seemed to have been furnished, however, since the applicant was not satisfied with the documents furnished to him and that the required information especially the list of beneficiaries and the amount of compensation paid to the beneficiaries were not furnished to him, he had submitted second appeal dated **07/09/2021** to the Commission.

On receipt of the second appeal dated **07/09/2021**, the Commission had, vide letter **No.NIC/Gen/RTI-19/17(Vol-I)** dated **20/09/2021** directed the Director & FAA, Land Resources Development, Nagaland, Kohima to hear the first appeal within 30 (thirty) days from the date of receipt of its directive and to pass decision and submit action taken report to the Commission.

On non-compliance to the Commission directive dated **20/09/2021**, the Commission had again, vide letter **No.NIC/Gen/RTI-19/17(Vol-I)** dated **15/11/2021** directed the Director & FAA to submit action taken report to the Commission.

In compliance to the Commission Directive dated **20/09/2021**, Shri. T. Renben Lotha, Director & FAA had, vide letter **No. DoLR/RTI-1/2020/3606** dated **14/12/2021** informed that the information as sought for has been completed and had personally informed the applicant through telephone to collect the information. A copy of the information furnished by the FAA vide letter **No. DoLR/RTI-1/2020-21/3437** dated **13/10/2021** was enclosed.

Though information has been furnished to the applicant, however, since the satisfaction or non-satisfaction of the applicant is not known, the Commission has decided to hear the above mentioned complaint giving opportunity of being heard to all the parties on **24th August, 2022 (Wednesday) at 11:30A.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. The Director & First Appellate Authority, Land Resources, Nagaland, Kohima.
2. The PIO, Directorate of Land Resources, Nagaland, Kohima.
3. The applicant (now appellant), Shri. Kelhuzhato Nakhro, Kohima, Nagaland, Mb-9612971480.

OBSERVATIONS AND FINDINGS:

Shri. A. Pangjung Jamir, Director & FAA did not appear for the hearing and there was no prior intimation to the Commission regarding his absence in the hearing. The Commission had seriously viewed the absence of the FAA during the hearing and had cautioned to intimate in advance if they are not able to attend the hearing on the scheduled date and time.

The applicant (now appellant), Shri. Kelhuzhato Nakhro stated that he had received the information from the PIO on 13/10/2021 after a delay of more than 5 months. He also pointed out that the projects are being implemented in the villages but beneficiaries did not get any benefits. He further questioned how the department had spent huge amount on TA/DA leaving less fund for projects execution.

Shri. Ahozhe Sema, Dy. Director & PIO, Directorate of Land Resources stated that he was appointed as PIO recently and hence not conversant to this RTI application and therefore, permitted his subordinate APIO to reply to the queries.

Shri. Zubemo Kithan, UDA & APIO, Directorate of Land Resources, stated that he had received the RTI application dated NIL on 18/03/2021 however, the information could be furnished only on 13/10/2021 due to COVID lockdowns. Further, he informed that the former PIO, Shri. Hekato N, Dy. Director who had replied to the RTI application has been promoted to Jt. Director, Directorate of Land Resources.

The applicant (now appellant) stated that he had received the information, furnished by Shri. T. Renben Lotha, Director & FAA vide letter No. DOLR/RTI-1/2020-21/3437 dated 13/10/2021, however, he was not satisfied on the following grounds:-

Query 1: Notsatisfied as the complete information was not furnished.

Query 2: Satisfied.

Query 3: Satisfied.

Query 4: Not satisfied as the information furnished was not complete.

Query 5: Not satisfied as photocopy of all sanctioned orders were not all enclosed/ furnished.

Query 6: Not satisfied as the beneficiaries list of all Districts was not provided.

On the above queries Shri. Zubemo Kithan, UDA & APIO, Directorate of Land Resources, clarified that since the requisite information was not available in the Directorate, the information was collected from all the Districts and had furnished to the applicant whatever information was provided by the Districts offices.

The Commission observed that there was a delay in furnishing the above information to the applicant (now appellant) by the PIO, Directorate of Land Resources, Nagaland, Kohima for a delay of more than 100 days for which maximum penalty is attracted. The Commission, on examination of the Notification No.LRD/MISC-41/2005(Vol-1) dated 01/06/2020 issued by Land resources found out that Shri. Hekato N, Jt. Director, the then Deputy Director was the PIO for Land Resources during which the present RTI application was received.

DECISION

On the above observation and findings, the Commission decided that:-

1. Since the information was furnished after the expiry of 30 days time limit, Shri. Ahozhe Sema, Dy. Director & PIO, Directorate of Land Resources, Nagaland, Kohima - 798611, shall furnish the complete information as sought to the applicant (now appellant) **free of cost within 20 (Twenty) days** from the date of receipt of this decision and with a copy to the Commission.
2. On receipt of the information, the applicant (now appellant) 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 applicant (now appellant) 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. Shri. Hekato N, former PIO & Dy. Director, Directorate of Land Resources, Nagaland, Kohima now promoted to Jt. Director, Directorate of Land Resources is to show cause as to

why under Section 20 (1) of the RTI Act, 2005, he should not pay penalty at the rate of Rs. 250/- per day for the delay of more than 100 days, amounting to Rs. 25,000 (Rupees twenty five thousands only) for contributing to the delay in furnishing the information to the applicant (now appellant). The reply to the above show cause notice shall be complied within **7 (seven) days** from the date of receipt of this decision.

Decision pronounced in the presence of both the parties on 24/08/2022 at 11:30 A.M

Copies be given to:

1. Shri. A. Pangjung Jamir, Director & FAA, Land Resources, Nagaland, Kohima.
2. Shri. Hekato N, Jt. Director (former PIO), Directorate of Land Resources, Nagaland, Kohima.
3. Shri. Ahozhe Sema, Dy. Director & PIO, Directorate of Land Resources, Nagaland, Kohima.
4. The applicant (now appellant), Shri. Kelhuzhato Nakhro, Kohima, Nagaland, Mb-9612971480.
5. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
6. Office Copy.

Sd/-

I. MEYIONEN JAMIR
Chief Information Commissioner

Authenticated true copy:

(Worhonthung Ezung)
Deputy Secretary