

# NAGALAND INFORMATION COMMISSION

Agri-Farm Colony, Lane-6, H/No. AFC-578

Nagaland, Kohima-797001

Email: [cic.nagaland@gmail.com](mailto:cic.nagaland@gmail.com) | Website: [www.nlsic.nagaland.gov.in](http://www.nlsic.nagaland.gov.in)



No. NIC/Complaint-1/2023-24 / 07

Dated Kohima, the 15<sup>th</sup> May, 2023

Complainant : Shri. Vimeyiel Richa,  
C/o NEDFI Office, Kohima Branch,  
P.R Hill, Kohima, Pin-797001,  
Mobile No. 9856092133, Email- [v.richa@nedfi.com](mailto:v.richa@nedfi.com).

Respondents : (i) Dr. Achila Ao,  
Additional Director & PIO,  
Directorate of AH & Vety. Services,  
Nagaland, Kohima.  
(ii) Dr. Khriekuolie Linyu,  
Additional Director (formerly Jt. Director (Land)),  
Directorate of Animal Husbandry & Vety. Services,  
Nagaland, Kohima.

Public Authority : Directorate of Animal Husbandry & Vety. Services,  
Nagaland, Kohima.

Date of hearing : 04.05.2023 at 11:00 A.M

Date of Decision : 15.05.2023.

Present:

1. Dr. Achila Ao, Additional Director & PIO, Directorate of Animal Husbandry & Vety. Services, Nagaland, Kohima, Mobile No. 9615150689.
2. Dr. Khriekuolie Linyu, Additional Director (Land), Directorate of Animal Husbandry & Vety. Services, Nagaland, Kohima, Mobile No. 9436016864.
3. Dr. Rebecca Khing, Deputy Director & APIO, Directorate of Animal Husbandry & Vety. Services, Nagaland, Kohima, Mobile No. 9856039302.
4. Smti. Nosazonu Puyo, Legal Assistant, Mobile No. 8794111231.
5. The applicant (now complainant), Shri. Vimeyiel Richa, C/o NEDFI Office, Kohima Branch, P.R Hill, Kohima Branch, Pin-797001, Mobile No. 9856092133, Email- [v.richa@nedfi.com](mailto:v.richa@nedfi.com).
6. Shri. Anguto Sophie, companion of the applicant (now complainant), Daklane, Mobile No. 9366612266.

## FACT OF THE CASE

The Commission had on **10/04/2023** received a complaint dated 10.04.2023 from Shri. **Vimeyiel Richa**, C/o NEDFI Office, Kohima Branch, P.R Hill, Kohima Branch, pin-797001, Mob-9856092133, Email- [v.richa@nedfi.com](mailto:v.richa@nedfi.com), against incomplete/ incorrect information furnished by the PIO, Directorate of Animal Husbandry & Veterinary Services, Nagaland, Kohima in response to his RTI application dated **23/01/2023**.

The applicant had submitted an RTI application dated **23/01/2023** along with application fee of Rs. 10/- addressed to the PIO, Department of Animal Husbandry & Veterinary Services, Nagaland, Kohima seeking the following information:-

1. Name of the Landowners whose lands were acquired by the Government of Nagaland for setting up Veterinary Dispensary Office at Jakhama Village, Kohima, Nagaland (hereinafter referred to as the "said land").
2. Details of area per acre acquired by the Government from each landowner in respect of the said land.
3. Copy of the agreement executed between the landowners and the Government to acquire the said land.

4. List of employees who were appointed on the basis of landowner at Veterinary Dispensary Office at Jakhama Village, Kohima, Nagaland till date.
5. Whether any legal heirs/descendants of Landowner, late Kosa Richa was appointed at Veterinary Dispensary Office at Jakhama Village, Kohima, Nagaland, on the basis of Landowner.

On receipt of the above RTI application on 24/01/2023 as evidenced on the body of the application, Dr. Khriekuolie Linyu, Joint Director (Land) had, vide letter No. VET/LAND/RTI-1/2023/154 dated 07/02/2023, forwarded the information pertaining to Query No. 01, 02, & 03 to the PIO, Directorate of Animal Husbandry & Vety. Services in response to the PIO's letter No. VET/PIO-3/2022-23/245 dated 02/02/2023 as shown below:-

**Reply to query 1:**

The following were the land owners in which the department acquired for setting up of Veterinary Dispensary, Jakhama.

1. Khuzon. 2. Soleho. 3. Richa. 4. Thino-o. 5. Vizhu. 6. Kuosa. 7. Kenileshu.
8. Zakakhu. 9. Zushule. 10. Pukoho.

**Reply to query 2:**

Sl. No	Name	Area acquired
1	Khuzon	0.51 acre
2	Soleho	0.74 acre
3	Richa	0.29 acre
4	Thino-o	0.44 acre
5	Vizhu	0.24 acre
6	Kuosa	2.04 acre
7	Kenileshu	0.48 acre
8	Zakakhu	0.11 acre
9	Zushule	0.38 acre
10	Pukoho	0.38 acre

**Reply to query 3:**

There is no agreement executed between the landowners and the Government as the land has been outright purchased by the department.

Also on receipt of the above letter No. VET/PIO-3/2022-23/245 dated 02/02/2023, Dr. Achila Ao, Jt. Director, Directorate of AH& Vety Services, Nagaland, Kohima had, vide letter No. VET/EST-II/RTI/2020-21/4568 dated 27/03/2023, furnished the information to the PIO, Directorate of AH& Vety. Services, Nagaland, Kohima as below:-

**Reply to query 4:**

As per the office record the following grade IV employees were appointed under VD Jakhama till date:

1. Kerikul Kharutsu, Medicine Carrier.
2. Vilazol Richa, Medicine Carrier (Rtd).
3. Tepuseo Tase, Animal Attendant (Rtd).
4. Kuvio Richa, Chowkidar.

**Reply to query 5:**

The Directorate of AH & Vety. Services has in no case possess any document regarding legal heirs/ descendants of any said landowners, therefore this office cannot justify whether any legal heirs or descendants of Lt. Kosa Richa were appointed or not.

On receipt of the above information, Dr. Achila Ao, PIO, Directorate of AH & Vety. Services, Nagaland: Kohima had, vide letter *No.VET/PIO-3/REPLY/2022-23/2491* dated *29/03/2023* furnished the replies to the applicant.

On receipt of the information furnished by PIO, the applicant had submitted a complaint dated *10/04/2023* to the Nagaland Information Commission stating that regarding reply to *Query No. 03*, there was an Agreement/ Declaration between the Government and the Land Owners, however, the PIO had refused to furnish a copy of the Agreement/ Declaration and stated that *"there is no agreement executed between the landowners and the Government as the land has been outright purchased by the department"* which is incorrect.

Since the applicant (now Complainant) is not satisfied with the information furnished by the PIO, the Commission has decided to hear the above mentioned Complaint by giving opportunity of being heard to all the parties on *04<sup>th</sup> May, 2023 (Thursday) at 11:00 A.M in the Hearing Room of the Nagaland Information Commission, Agri-Farm Colony, Lane-6, H/No. AFC/578, Nagaland, Kohima* and had directed the following 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:

1. Dr. Achila Ao, PIO, Directorate of AH & Vety. Services, Nagaland, Kohima.
2. Dr. Khriekuolie Linyu, Jt. Director (Land), Directorate of Animal Husbandry & Vety. Services, Nagaland, Kohima.
3. The applicant (now complainant), Shri. Vimeyiel Richa, C/o NEDFI Office, Kohima Branch, P.R Hill, Kohima Branch, Pin-797001, Mobile No. 9856092133, Email- *v.richa@nedfi.com*.

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

During the hearing, the applicant (now complainant) stated that he **was satisfied** with all the replies except the reply to **query No. 3** given by the PIO which was as under:

*"There is no agreement executed between the landowners and the Government as the land has been outright purchased by the department."*

He was certain that if the land acquired by the Government of Nagaland for setting up Veterinary Dispensary Office at Jakhama Village, Kohima, Nagaland has been outright purchased by the department, there ought to have some document. He stated that he had some Deed document dated 14.12.1974 and countersigned on 08.12.1975 by V. Angami, Circle Officer, Jakhama, Kohima district regarding the parting of their lands by 1. *Thino-o*, 2. *Kuosa*, 3. *Vizhu*, 4. *Soleho*, 5. *Tepuzeho*, 6. *Richa*, 7. *Zakakhu*, 8. *Kenileshu*. 9. *Khuzon*. 10. *Pukoho*, 11. *Zarhol* and 12. *Zushule* for the establishment of Animal Husbandry & Veterinary out post at Jakhama on the basis of compensation @ Rs. 1500.00 per acre under the condition that facilities would be given first to the land owners if and when any vacancies created for the same post, however, since it was an old document, it was not legible. He had, therefore applied the RTI since he wanted clearer and legible document. A copy of the document was produced before the Commission.

Dr. Khriekuolie Linyu, Additional Director (formerly Joint Director (Land)), Directorate of Animal Husbandry & Vety. Services, Nagaland, Kohima stated that on receipt of the said RTI application, he had searched for the record sought, however, he could find only the **"Deed of Release"** of their lands and the amount received by 1. *Khuzon*. 2. *Soleho*. 3. *Richa*. 4. *Thino-o*. 5. *Vizhu*. 6. *Kuosa*. 7. *Kenileshu*, 8. *Zakakhu*. 9. *Zushule*. 10. *Pukoho* which were all dated 10.10.1975 and countersigned by V. Angami, Circle Officer, Jakhama, Kohima district. He stated that he had not yet furnished this document to the applicant and a copy of the document was produced before the Commission. He further stated that the department do not have the Deed document countersigned on 08.12.1975 by V. Angami, Circle Officer, Jakhama, Kohima district and which was produced by the applicant (now complainant).

The applicant (now complainant) further disclosed that since the land was donated by his clan, he had expected that appointment of some Grade IV staff be given to the landowners as was being done in the past. Citing an instant case, in the year 2021, when some vacant post arose in the department, he had applied for the vacant post, however, another person who is not a land owner was appointed, which he felt was discriminatory.

Agreeing with the submission of the applicant(now complainant), the Commission also viewed that any land donated to the department or purchased by the department, there ought to have some official records. However, in spite of the department having searched the records, only the “**Deed of Release**” relating to the said land was found, which the applicant (now complainant) was not aware of and do not possess. Also, the department did not have the Deed document produced by the applicant (now complainant) during the hearing. Hence, copies of the documents produced by the department and the applicant (now complainant) before the Commission during the hearing were exchanged and both the parties had expressed satisfaction with the receipt of the documents.

The Commission further reiterate that RTI is a tool to access information whatever available with the public authority and not to create information for the applicant(s). As submitted by the department that in spite of having searched the records, since only the “**Deed of Release**” were found, Dr. Khriekuolie Linyu, Additional Director (formerly Joint Director (Land)), Directorate of Animal Husbandry & Vety. Services, Nagaland, Kohima could have furnished to the applicant (now complainant) earlier.

The Commission observed that the RTI application dated 23.01.2023 was received on 24.01.2023 and upon receipt, it was transferred on 02.02.2023 to Dr. Achila Ao, Additional Director & PIO, Directorate of AH & Vety. Services, Nagaland, Kohima and Dr. Khriekuolie Linyu, Additional Director (formerly Joint Director (Land)), Directorate of Animal Husbandry & Vety. Services, Nagaland, Kohima.

On receipt of the RTI application transferred by the PIO, Dr. Khriekuolie Linyu, Additional Director (formerly Joint Director (Land)), had furnished the replies pertaining to query Nos. 1, 2 and 3 to the PIO, Directorate of Animal Husbandry & Vety. Services on 07.02.2023. However, as submitted during the hearing regarding reply to query No. 3, he did not furnish to the applicant the **Deed of Release**” dated 10.10.1975 which was related to the land agreement till on the date of the hearing i.e. 04.05.2023.

Regarding reply to query Nos. 4 and 5, Dr. Achila Ao, Additional Director & PIO, had furnished the replies to the PIO, Directorate of Animal Husbandry & Vety. Services only on 27.03.2023. On receipt of the replies to all the queries, Dr. Achila Ao, Additional Director & PIO, who is also the PIO for the Directorate of Animal Husbandry & Vety. Services had furnished the replies to the applicant (now complainant) only on 29.03.2023.

Hence from the date of receipt of the RTI application on 24.01.2023 to the date of furnishing on 29.03.2023, there was a total of sixty four (64) days. And considering the 5 days in transferring the RTI application and the 30 days time limit for the PIO to furnish the information to the applicant, the delay becomes  $64 - 30 - 5 = \underline{29 \text{ (twenty nine) days}}$ , for which penalty was attracted.

Since Dr. Khriekuolie Linyu, Additional Director (formerly Joint Director (Land)), had furnished the information for query No. 3 only on the date of the hearing i.e. on 04.05.2023, hence from the date of furnishing the replies by the PIO on 29.03.2023 to 04.05.2023, there was 36 days, however, considering the 30 days time limit, the delay on his part becomes only  $36 - 30 = \underline{6 \text{ days}}$ . Whereas, since the major part of the delay was contributed by Dr. Achila Ao, Additional Director & PIO, she would be liable for the remaining days of delay i.e.  $29 - 6 = \underline{23 \text{ days}}$ .

### DECISION

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

1. Under Section 20 (1) of the RTI Act 2005, penalty at the rate of Rs. 250/- per day of delay for the total delay of **twenty nine (29) days**, amounting to Rs. 7250/- (Rupees seven thousand two hundred and fifty only) is imposed for contributing to the delay in furnishing the information to the applicant (now complainant) without reasonable cause. The above penalty amount shall be shared between the following as shown below:-

Name of the concerned PIO	Days of delay	Penalty @ Rs. 250/- per day of delay
Dr. Khriekuolie Linyu, Additional Director (formerly Joint Director (Land)), Directorate of Animal Husbandry & Vety. Services, Nagaland, Kohima	6	1500.00
Dr. Achila Ao, Additional Director & PIO, Directorate of Animal Husbandry & Vety. Services, Nagaland, Kohima	23	5750.00
<b>TOTAL:</b>	<b>29</b>	<b>7250.00</b>

Since penalty is imposed personally, the above penalty amounts shall be deposited into the Government account under his/her name, designation and signature through treasury challan in favour of the Accounts Officer, Nagaland Information Commission, Kohima under the Head of Account given below, with a copy of the treasury challan (in original) to this Commission and within 15 (fifteen) days from the date of receipt of this decision:-

0070 - Other Administrative Services  
60 - Other Services  
118- Receipts under RTI Act, 2005

2. Since the applicant (now complainant) had expressed his satisfaction with the information furnished to him on the date of the hearing i.e. 04.05.2023, on receipt of the treasury challans for the above penalty amounts, the complaint case shall be declared as closed.

Decision pronounced in the presence of both the parties on 04.05.2023 at 11:00 AM.

Copies be given to:

1. Dr. Achila Ao, Additional Director & PIO, Directorate of AH & Vety. Services, Nagaland, Kohima.
2. Dr. Khriekuolie Linyu, Additional Director (formerly Joint Director (Land)), Directorate of Animal Husbandry & Vety. Services, Nagaland, Kohima.
3. The applicant (now complainant), Shri. Vimeyiel Richa, C/o NEDFI Office, Kohima Branch, P.R Hill, Kohima Branch, Pin-797001, Mobile No. 9856092133, Email- v.richa@nedfi.com.
4. The Accounts Officer, Nagaland Information Commission for information.
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

Sd/-

**T. KEKONGCHIM YIMKHIUNG**

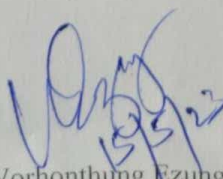
State Information Commissioner

Sd/-

**NOSAZOL CHARLES**

State Information Commissioner

Authenticated true copy:

  
(Worhonthung Ezung)  
Deputy Secretary