

NAGALAND INFORMATION COMMISSION

Nagaland Commissions' Complex

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No. NIC/APPEAL-24/2024-25/659

Dated Kohima, the 26th May, 2025

Appellant : Shri. Boto Swu,
Dimapur, Nagaland,
Mobile No. 7005409209/ 8257907161.

Respondents : (i) Shri. Sanuzo Nienu,
Director & FAA,
Directorate of Agriculture,
Nagaland, Kohima.

(ii) Shri. L. Hoshito Chophi,
PIO & DAO,
Dimapur, Nagaland

Public Authority : Office of the District Agriculture Officer, Dimapur, Nagaland.

Date of hearing : 20.05.2025 at 12:00 Noon.

Date of Decision : 26.05.2025.

Present:

1. Shri. Sanuzo Nienu, Director & FAA, Directorate of Agriculture, Nagaland, Kohima, Mobile No. 9862329052.
2. Shri. Vinheto Thorie, Deputy Director & APIO, Directorate of Agriculture, Nagaland, Kohima, Mobile No. 8837475871.
3. Shri. L. Hoshito Chophi, PIO & DAO, Dimapur, Nagaland, Mobile No. 9436600743.
4. Smti. Akokla Longchar, DAO, A. I, Nagaland, Mobile No. 8787607191.
5. Shri. Akum Jamir, Advocate and Legal Consultant
6. The applicant (now appellant), Shri. Boto Swu, Dimapur, Nagaland, Mobile No. 7005409209/ 8257907161.

FACT OF THE CASE

An applicant, Shri. Boto Swu had submitted a RTI application dated 04/11/2024 addressed to the PIO, District Agriculture Office, Dimapur, Nagaland, along with Rs. 10/- as application fee, seeking the following information on SMAM and PMKSY Scheme from the year 2019 till date of Dimapur :-

1. Photograph of the project on both the scheme along with its Geo-tagging (pre-establishment, establishment and post establishment) with proper details of the beneficiary.
2. Total amount of money bifurcated for the mention district along with the Photo copy of its released order
3. Give an abstract the name of the beneficiaries, name of the villages, and the Amount received per beneficiaries
4. Name of the beneficiaries and the type of machinery received per Beneficiaries.
5. Kindly furnish the deficient supply of tools and machineries.

6. Kindly provide the work order and completion certificate and other relevant Documents of the beneficiary.

7. Kindly furnish the photocopy of both sanctioned and utilization certificate Counter signed by the concern officer to support the claim.

8. Provide the cheque leaves and bank statement to support the claim.

On receipt of the RTI application dated **04.11.2024** on the same date i.e **04.11.2024** as evidenced on the body of the application, the PIO, District Agriculture Office, Dimapur, Nagaland had furnished the following reply to the applicant as given below :-

1	Photograph of both the scheme along with Geo-tagging of the beneficiary	Geotagged photographs of SMAM has been furnished while the Geotagged photographs of PMKSY has been directly uploaded in the Bhuvan app.
2	Total amount of money bifurcated along with photocopy of its released order	Furnished
3	Abstract on the beneficiaries, name of the villages and the amount received per beneficiaries	Furnished
4	Name of the beneficiaries and the type of machinery received per beneficiaries	Furnished
5	Deficient supply of Tools and machineries	Nil
6	Work order and completion certificate and other relevant documents of the beneficiary	Maintained in the Directorate.
7	Photocopy of both sanctioned and utilization certificate	Maintained in the Directorate.
8	Cheque leaves statement and bank	This information has been exempted under Section 8(1)(e) of the RTI act.

On receipt of the PIO's reply on **05.02.2024**, the applicant had submitted first appeal dated **10.12.2024** since he was not satisfied on the following grounds.

Query 1 – Information provided by the PIO appears to be fallacious, irreconcilable and faux.

Query 2 – Information received is fragment and prejudiced with bogus beneficiaries with incomplete photographs and also appears to be misinterpreted and does not align with ground phenomenon. For instance, inflated beneficiaries counts, receiving beneficiaries and unverified outlay detail which do not correspond with publicly visible outcomes or reports.

Query 3 – Under SMAM, no beneficiary names and address has been displayed and PMKSY procurable information is ambiguous.

Query 4–Release order for money allocated to a district is virtuously fictitious and deceitful with fragmentary documents.

Query 5 – Beneficiaries and type of machinery received per beneficiary has been erratic and intentionally constricted.

Query 6 –PIO failed to provide work order, completion certificates and other relevant documents of the beneficiary and photocopy of both sanctioned and utilization certificates.

Query 7 – Disallowance cheque leaves and bank statements by the PIO articulating that the information has been exempted under Section 8(1) (e) of the RTI Act. However, the information sought pertains to public funds and government schemes, which cannot be classified as a fiduciary in nature.

On receipt of the first appeal, Shri. C. Peter Yanthan, Director of Agriculture & FAA, had, after hearing of the first appeal on **21.01.2025**, passed decision vide letter No. **AGR/RTI-2/APPEAL/2024-25/449-52** dated **21.01.2025** stating that since the applicant (now appellant) did

not receive complete information in respect of query No. 1 and not satisfied on the reply to query Nos. 5, 6, 7 & 8, the PIO and the concerned officer explained and elaborated about the implementation of the Scheme in details and as far as non-furnishing of Photograph pertains to 2019 to 2022 are concerned, the officer justified and submitted that during 2019-20 due to pandemic physical verification and geo-tagging could not be done and the works/projects implemented during 2021-22 photographs were taken by the concerned officer from the Mobile App and the photos are stored digitally in NRSC's Bhuvan server.

On not being satisfied with the above decision of the Director & FAA on query Nos. 1,5,6,7 & 8, the applicant(now appellant) had submitted Second Appeal dated **30.01.2025** before the Commission.

On receipt of the second appeal, the Commission had, vide letter **No.NIC/APPEAL-24/2024-25/554** dated **26.02.2025**, directed the PIO, Office of the District Agriculture Office, Dimapur, Nagaland, to furnish complete and accurate information for query Nos. 1,5,6,7 & 8 to the applicant (now appellant) **within 30 (thirty) days**.

In compliance to the Commission directive dated **26/02/2025**, Shri. L. Hoshito Chophi, DAO & APIO, Dimapur, Nagaland had, vide letter **No.AGR/DMR/RTI-1/2015-16/08** dated **03.04.2025**, furnished all the necessary information as sought.

1	Photograph of both the scheme along with Geo-tagging of the beneficiary	During 2019-20, due to the pandemic, geo-tagging for PMKSY could not be done, while for the rest of the years, photographs were uploaded from the mobile app and stored digitally on NRSC's Bhuvan server. In contrast for SMAM, geotagged photographs have been furnished earlier.
5	Deficient supply of Tools machineries	Nil
6	Work order and completion certificate and other relevant documents of the beneficiary	Maintained in the Directorate.
7	Photocopy of both sanctioned and utilization certificate	Maintained in the Directorate.
8	Cheque leaves and bank statement	The payment/transaction was executed by PFMS and is being furnished.

On receipt of the information refurnished by the PIO, the applicant (now appellant) had, vide letter **NIL** dated **09.04.2025** written to the Commission that he was still not satisfied with the replies to Query Nos. 1, 5, 6, 7 & 8.

Since the applicant (now appellant) is still not satisfied with the information furnished, the Commission has decided to hear the above mentioned appeal giving opportunity of being heard to all the parties on **20th May, 2025 (Tuesday) at 12:00 noon in the Hearing Room of Nagaland Information Commission, Nagaland Commissions' Complex, New Capital Complex, Nagaland, Kohima** and the following parties were 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 of Agriculture &FAA, Nagaland, Kohima.
2. Shri. L. Hoshito Chophi, PIO & DAO, Dimapur, Nagaland.
3. The applicant (now appellant), Shri. Boto Swu, Dimapur, Nagaland, Mobile No. 7005409209/ 8257907161.

OBSERVATIONS AND FINDINGS:

During the hearing, Shri. Akum Jamir, Advocate and Legal Consultant had submitted to the Commission an authorisation letter dated 19.05.2025 wherein he was authorised by Shri. Sanuzo Nienu, Director & FAA, Directorate of Agriculture, Nagaland, Kohima to represent on behalf of the FAA.

Since the applicant(now appellant) had submitted second appeal against the unsatisfactory replies to query Nos. **1, 5, 6, 7 and 8**, the Commission announced that only these queries shall be taken up in the hearing.

The applicant(now appellant) submitted that Shri. L. Hoshito Chophi, PIO & DAO, Dimapur had, vide letter No. AGR/DMR/RTI-1/2015-16/298 dated **03.12.2024** furnished the replies to him and again on the direction of the Commission, the PIO had, vide letter No. AGR/DMR/RTI-1/2015-16/08 dated **03.04.2025** re-furnished the information, however, since he was not satisfied, he had filed first appeal dated 10.12.2024. The Director & FAA had heard his appeal and passed decision dated 21.01.2025, however since he was not satisfied with the decision of the FAA which was in favour of the PIO, he had filed the second appeal dated 30.01.2025 to the Commission.

Regarding reply to Query No. 1: the applicant (now appellant) stated that the lockdown started with the Government Order dated 22.03.2020 but the information sought on geo-tagging was before the lockdown, hence, the PIO's reply that Geo-tagging for 2019-20 under Pradhan Mantri Krishi Sinchayee Yojana (hereafter PMKSY) could not be done due to the COVID-19 pandemic is completely misleading and factually incorrect. Using the pandemic to justify the absence of geo-tagged photographs for the whole 2019-20 is deceptive and raises suspicion of intentional suppression of records. He added that in spite of the Commission's directive dated 26.02.2025, not single geo-tagged photographs of the 425 beneficiaries under PMKSY have been furnished to him. The reply that all the data including the photographs have been uploaded and stored in the NRSC's Bhuvan portal is unverifiable and the exact Bhuvan portal project link or unique identifier to locate the date or any confirmation or certification was also not provided.

On the Sub-Mission on Agricultural Mechanization (hereafter SMAM) project, the applicant (now appellant) stated that the information provided was incomplete and misleading since no photographs for 2019, 2020, 2021 and 2022 were furnished and only 4 photographs for 2023 and 17 for 2024, totalling to 21 photographs were furnished out of the 282 beneficiaries.

Shri. L. Hoshito Chophi, PIO & DAO, Dimapur, Nagaland replied that all the information relating to query No. 1 has been furnished. He clarified that during the pandemic, no geo-tagging was carried out due to the restrictions in the movement and further explained that for PMKSY Scheme, the photographs were directly uploaded in the Bhuvan app and once the photographs were uploaded in the Bhuvan App, they cannot be downloaded and hence cannot provide to the applicant.

Smti. Akokla Longchar, DAO, A. I, Nagaland also explained that the Bhuvan App is provided by the Ministry and is not available even in Play Store. She further added that once data is uploaded, they cannot be downloaded or retrieved. However, the Commission was not convinced with the explanation since though the App may not allow change, add or delete data, at least data should be able to view.

Regarding the SMAM Scheme, Smti. Akokla Longchar, DAO, A. I, Nagaland stated that the Aadhar, contact numbers, and name of villages of the beneficiaries had been given, however, the applicant wanted the photographs of the remaining beneficiaries. The PIO also stated that the photographs of the beneficiaries under SMAM Scheme are not mandatory and whatever available, he had already furnished to the applicant (now appellant).

Regarding reply to Query No. 5, the applicant (now appellant) stated that the PIO's reply as "NIL" is vague, unsubstantiated and statistically implausible. The PIO should have backed up with official documentation and supporting records such as inspection reports, supplier evaluations, redressal registers or supplier feedback logs. Claiming of NIL deficiencies raises suspicions of potential irregularities or suppression of complaints, possibly to protect departmental staff or vendors.

Shri. L. Hoshito Chophi, PIO & DAO, Dimapur, Nagaland replied that since no distribution or issue of tools & equipment is done at DAO Office or district level, NIL reply was given. He further stated that whatever applications for tools & equipment received are given and hence no deficiency in the department. Shri. Akum Jamir, Advocate and Legal Consultant also added that supply of tools and equipment to the district are done by the empanelled firms and no distribution is done at the district level.

On the above submissions, the Commission observed that the PIO had given the reply accordingly to the query asked and the applicant (now appellant) also should not presume things but should ask based only on facts.

On the above explanation, the applicant (now appellant) expressed his satisfaction with the NIL reply.

Regarding replies to Query Nos. 6 & 7, the applicant (now appellant) stated that since the PIO claimed that Work Order, Completion Certificates, Sanction Orders, Utilization Certificate are available with the Directorate, the PIO should have made efforts to obtain from the Directorate and furnish to him. The PIO has no legal standing to wash his hands off the responsibility by shifting the burden to another office (i.e. Directorate), instead he should collect and furnish the complete information sought.

Shri. L. Hoshito Chophi, PIO & DAO, Dimapur, Nagaland stated that Work Order, Completion Certificates, Sanction Orders, Utilization Certificate are done in the Directorate and no separate orders are issued to the districts. Whatever allocations received from the Directorate are recorded and maintained in the Cash Book/Register and had been furnished to the applicant (now appellant). Shri. Akum Jamir, Advocate and Legal Consultant also added that since one Sanction Order for the whole State is received from the Ministry, accordingly only one Utilisation Certificate for the whole State is submitted to the Ministry and no separate Sanction Orders or Utilization Certificates for the districts are given.

Shri. Sanuzo Nienu, Director & FAA, Directorate of Agriculture, Nagaland, Kohima also stated that the department do not issue Work Order. The Directorate gives the distribution list of districts and the districts used to issue through the PFMS directly to the beneficiaries. Works are taken up as per the guidelines and after the works are completed UC is submitted to the Ministry.

Shri. Vinheto Thorie, Deputy Director & APIO, Directorate of Agriculture, Nagaland, Kohima clarified that the Directorate only allocate funds to the districts and the respective DAOs in the districts in consultation with the village councils or cluster of village councils execute the works as per the needs. The PIO also stated that no work orders are issued but the village councils selects the progressive farmers or beneficiaries and execute the works based on the funds allocated by the Directorate. However, the Commission observed that instead of work orders, the Directorate gives fund allocation to the districts and sub-divisions and since works are executed, at least Completion Certificates ought to be submitted.

Shri. L. Hoshito Chophi, PIO & DAO, Dimapur, Nagaland replied that the Directorate does not insist on Completion Certificates from the districts, however progress report is submitted to the Directorate. The applicant (now appellant) had sought for Dimapur district, however, since

Utilisation Certificate is prepared for the whole State and not district-wise, Utilisation Certificate for Dimapur district alone could not be given.

Shri. Vinheto Thorie, Deputy Director & APIO, Directorate of Agriculture, Nagaland, Kohima stated that there is no Completion Certificates or Utilisation Certificate at the district or sub-division levels. There is only one Utilisation Certificate for the whole State submitted to the Ministry, which can be furnished. He further explained that fund is transferred through the PFMS from the SNA to the child account of the districts and if the balance in the account becomes zero, it indicates that the works has been completed.

Regarding reply to Query No. 8: The applicant (now appellant) stated that he had sought the information from 2019 onwards however out of 425 beneficiaries under PMKSY, only 13 cheque leaves for 2023 and 1 cheque leave for 2024 totalling 14 cheque leaves were provided whereas, the rest of the cheque leaves have been intentionally suppressed to evade scrutiny. He questioned if the public authority transferred the amount to the beneficiaries through the PFMS, then why cheque leaves were provided? He added that no certified Bank statement was provided.

Shri. L. Hoshito Chophi, PIO & DAO, Dimapur, Nagaland stated that furnishing of cheque leaves does not arise since payments were done only through the PFMS and DBT which he had already been furnished. He further informed that he had furnished whatever information available to him when the applicant (now appellant) visited his office in December, 2024.

Smti. Akokla Longchar, DAO, A. I, Nagaland explained that cheques leaves are issued to those farmers or beneficiaries who do not have accounts *or have transaction problems* and the 14 cheque leaves of such beneficiaries had been given to the applicant (now appellant).

On the query of the applicant (now appellant) regarding bank statement of the department where funds have been transferred to the beneficiaries through PFMS, Smti. Akokla Longchar, DAO, A. I, Nagaland replied that PFMS started only in 2023 and the PFMS records have already been given to the applicant (now appellant), however, before PFMS, since there is no PFMS transaction records, in lieu of the PFMS records, APRs have been given to the applicant (now appellant).

Shri. L. Hoshito Chophi, PIO & DAO, Dimapur, Nagaland also stated that the PFMS statement along with a copy of the cash book where money have been transferred to the beneficiaries had already been given to the applicant (now appellant). He also expressed the difficulty in furnishing the bank statement since all the schemes implemented by the department are maintained in a single account.

The Commission observed that since the RTI application dated 04.11.2024 was received on the same day and the reply was given on 03.12.2024, there is no delay and hence no penalty.

ORDER

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

1. Regarding **query No. 1** on the PMKSY Scheme, Shri. L. Hoshito Chophi, PIO & DAO, Dimapur, Nagaland shall furnish the link to the data in the Bhuvan App to the applicant(now appellant). For the SMAM Scheme, since the PIO reiterated that he had furnished whatever available to the applicant (now the appellant), he shall submit in writing to the applicant (now the appellant) that he had furnished whatever available to the applicant (now the appellant), and with a copy to the Commission **within two (2) weeks** from the date of receipt of this order.

2. For query Nos. 6 and 7, since there is only one Sanction Order received from the Ministry and accordingly, only one Utilisation Certificate for the whole State which also includes Dimapur district is submitted to the Ministry, Shri. L. Hoshito Chophi, PIO & DAO, Dimapur, Nagaland is directed to furnish the same to the applicant (now appellant) within one (1) week, and with a copy to this Commission.
3. For query No. 8, Shri. L. Hoshito Chophi, PIO & DAO, Dimapur, Nagaland shall furnish the bank statement after segregating the transactions for PMKSY Scheme from 2019 upto November, 2024 (the date of his RTI application) to the applicant (now appellant) within two (2) weeks time, and with a copy to this Commission.
4. On receipt of the information from the DAO & PIO, Dimapur, the applicant(now appellant) shall submit satisfaction/non-satisfaction to the PIO and with a copy to the Commission within ten (10) days from the date of receipt of this order.

This Order is passed in the presence of both the parties i.e the respondents and the applicant (now appellant) on 20.05.2025 at 12:00 noon.

Copies be given to:

1. Shri. Sanuzo Nienu, Director & FAA, Directorate of Agriculture, Nagaland, Kohima, Mobile No. 9862329052.
2. Shri. Vinheto Thorie, Deputy Director & APIO, Directorate of Agriculture, Nagaland, Kohima, Mobile No. 8837475871.
3. Shri. L. Hoshito Chophi, PIO & DAO, Dimapur, Nagaland, Mobile No. 9436600743.
4. Smti. Akokla Longchar, DAO, A. I, Nagaland, Mobile No. 8787607191.
5. The Computer Programmer, Nagaland Information Commission for uploading on the website.
6. The applicant (now appellant), Shri. Boto Swu, Dimapur, Nagaland, Mobile No. 7005409209/ 8257907161.
7. Office Copy.

Sd/-

T. KEKONGCHIM YIMKHIUNG

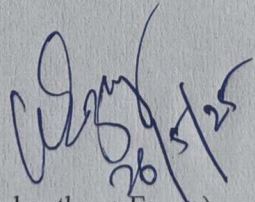
State Information Commissioner

Sd/-

NOSAZOL CHARLES

State Information Commissioner

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(Worhonthung Ezung)
Deputy Secretary