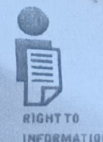


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**NAGALAND INFORMATION COMMISSION
NAGALAND COMMISSIONS' COMPLEX
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No. NIC/APPEAL-4/2025-26 / 713

Dated Kohima, the 11th August, 2025

Appellants : Shri. Ketholezo & party,
Mobile No. 9862089238.

Respondents : (i) Shri. Albert Ngullie,
Director & FAA,
Land Resources,
Nagaland, Kohima.

(ii) Shri. Shri. Levi Bennet,
Project Officer & PIO,
Land Resources,
Nagaland, Kohima.

(iii) Er. Moamongba,
District Project Officer & PIO,
Tuensang.

(iv) Shri. Agnes N. Phewhuo,
District Project Officer & PIO,
Phek.

(v) Shri. Lichumo Murry,
District Project Officer & PIO,
Noklak.

(vi) Shri. Lipichem Sangtam,
District Project Officer & PIO,
Kiphire.

(vii) Shri. Tepunol Yore
District Project Officer & PIO,
Peren.

Public Authority : Directorate of Land Resources, Nagaland, Kohima

Date of hearing : 31.07.2025 at 12:30 PM.

Date of Decision : 11.08.2025.

Present:

1. Shri. Albert Ngullie, Director & FAA, Directorate of Land Resources, Nagaland, Kohima
Mobile No. 8119018449.
2. Shri. Levi Bennet, Project Officer & PIO, Directorate of Land Resources, Nagaland,
Kohima, Mobile No. 9612256775.
3. Shri. V. Vikugha Sema, Project Officer & APIO, Land Resources, Nagaland, Kohima,
Mobile No. 7005684574.
4. Shri. Lipichem Sangtam, DPO & PIO, Land Resources, Nagaland, Kiphire, Mobile No.
9612522972.

5. Shri. Tepunol Yore, District Project Officer & PIO, Department of Land Resources, Peren, Nagaland, Mobile No. 9856248808.
6. Shri. Lichumo Murry, District Project Officer & PIO, Department of Land Resources, Noklak, Nagaland, Mobile No. 8787644391.
7. Shri. Agnes N. Phewhuo, District Project Officer & PIO, Department of Land Resources, Phek, Nagaland, Mobile No. 8131936610.
8. Er. Moamongba, District Project Officer & PIO, Department of Land Resources, Tuensang, Nagaland, Mobile No. 9402470640.
9. Shri. Botovi Awomi, LDA, RTI Cell, Directorate of Land Resources, Nagaland, Kohima, Mobile No. 8413007184.
10. The applicant (now appellant), Shri. Ketholezo & party, Mobile No. 9862237600.
11. Representative of the applicant (now appellant), Shri. Thejavituo, Mobile No. 9862089238.

FACT OF THE CASE

An applicant, Shri. Ketholezo & party had submitted a RTI application dated **28/10/2024** addressed to the PIO, Land Resources Department, Nagaland, Kohima, seeking the following information under Right to Information Act, 2025 :-

1. *The record of amount sanctioned and received by the Land Resources Department under Pradhan Mantri Krishi Sinchayi Yojana - Integrated Watershed Development for the year 2021-22 and 2022-23.*
2. *The complete list of villages and beneficiaries under Sl. No. 1 and the APR of any transaction made under Sl. No. 1.*
3. *The record of amount sanctioned and received by the Land Resources Department under Integrated Watershed Development Programme - Tribal Area Sub - plan for the year 2021-22, 2022-23 and 2023-24.*
4. *The complete list of villages and beneficiaries under Sl. No. 3 and the APR of any transaction made under Sl. No. 3.*
5. *The complete record of expenditure made under Sl. No. 1 and 3; and the authority under whom these expenditure were made.*
6. *The complete record of Photos of work executed -ongoing, completed of the works undertaken under Sl. No. 1 and 3.*
7. *Name and designation of the Officer taking action for issue.*

On receipt of the above RTI application dated **28/10/2024**, the PIO (District Project Officers of Peren, Phek, Kiphire, Noklak and Tuensang) had furnished replies to the applicants.

On not being satisfied with the above information furnished by the PIOs /District Project Officers of Peren, Phek, Kiphire, Noklak and Tuensang, the applicants had submitted first appeal dated **NIL** to the FAA, Land Resources Department, Nagaland, Kohima on the following :-

Incomplete

1. *In response Sl. No. 1 of the RTI application, the RTI reply and the records of amount withdrawn and received by the Department of Land Resources do not tally. The RTI reply shows a difference (misappropriation) of **Rs. 6,07,65,422/-** (Rupees six crores seven lakhs sixty five thousand four hundred and twenty two, copy enclosed).*
2. *In response to Sl. No. 2, the District Project Officers provided wrong and inaccurate data and records:*

- The DPO of Noklak provided records which did not have any proof of work executed in two villages (Nokyan, Wonsoi). Photo proof of many other works are found missing. (List of missing activities enclosed)
- The DPO of Tuensang provided records which were missing photos of many works/activities which the DPO stated were undertaken.
- The record of Phek district was also missing many proofs of works undertaken.
- The reply of DPO, Peren was missing many works/activities particularly Link roads, Sarovar, Eco garden, etc (list of missing activities provided)

Misleading

1. The reply and records provided by DPO, Kiphire was not provided in a proper manner as it was impossible to tally the beneficiaries with the activities undertaken.

We believe the Department has proof of funds received by the Directorate. However, the PIO and DPOs are wilfully denying us access to these records intentionally. Or the PIO and DPOs are unable to provide records of these expenditures as the funds has been withdrawn from the State Exchequer but the funds have been misused without executing proper work.

We believe that the PIO has failed to provide the complete and correct information as required under the Right to Information Act, 2005.

Therefore, we request you, as the First Appellate Authority, to:

1. Examine our appeal and direct the PIO and DPOs to provide complete, correct, and clear information as originally requested in our RTI application.
2. Direct the PIOs to provide the information within the time frame stipulated under the RTI Act.
3. The information be now supplied free of any cost(s), inclusive of annexures whether determined before or after inspection.
4. Imposition of costs on the respondents and award of costs as compensation for undue delays and mental harassment along with expenses incurred on pursuing First Appeal.
5. Liberty for personal presence to argue/defend the First Appeal.

On receipt of the above first appeal on 24/04/2025, Shri. Albert Ngullie, Director & FAA, Land Resources, Nagaland, Kohima had, vide letter No. **DoLR/RTI-3/2022(Vol-II)/121-23** dated 16/05/2025, notified the applicants and the District Project Officers of Peren, Phek, Kiphire, Noklak and Tuensang for a hearing of the first appeal on 23/05/2025 at 11:00 AM in the Office Chamber of the Land Resources, Nagaland, Kohima.

After hearing of the first appeal on 23/05/2025, Shri. Albert Ngullie, Director & FAA, Land Resources, Nagaland, Kohima had, vide letter No. **DoLR/RTI-3/2022(Vol-II)/174-75** dated 26/05/2025, forwarded the information to the applicants which was submitted by the PIOs /District Project Officers of Peren, Phek, Kiphire, Noklak and Tuensang as per the directions of the FAA during the hearing on 23/06/2025.

On being dissatisfied with the information furnished by the PIOs/District Project Officers of Peren, Phek, Kiphire, Noklak and Tuensang, the applicants (now appellants) had submitted second appeal dated 02/07/2025 to the Nagaland Information Commission.

Since the applicants (now appellants) are not satisfied with the response of the Director & FAA, Directorate of Land Resources to his first appeal dated **NIL** which was submitted against

the unsatisfactory reply of the PIOs /District Project Officers of Peren, Phek, Kiphire, Noklak and Tuensang to his RTI application dated 28/10/2024, the Commission has decided to hear the above mentioned appeal giving opportunity of being heard to all the parties on 31st July 2025(Thursday) at 12:30 PM in the Hearing Room of Nagaland Information Commission, Nagaland Commissions' Complex, New Capital Complex, Nagaland, Kohima and 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.

1. The Director & FAA, Directorate of Land Resources, Nagaland, Kohima.
2. The District Project Officers & PIOs, Peren, Tuensang, Phek, Noklak and Kiphire.
3. The applicants (now appellants), Shri. Ketholezo & party, Mobile No. 9862089238.

OBSERVATIONS AND FINDINGS:

The RTI application was dated 28.10.2024, but since the applicants (now appellants) had in their Second appeal mentioned the Date of Application as 11.02.2025, the Commission asked if there were two separate RTI applications, to which the applicants (now appellants) clarified that there was only one (1) RTI application dated 28.10.2024. The applicants (now appellants) stated that when the RTI application dated 28.10.2024 was filed, the Public Authority had advised them to submit it only after the Hornbill festival and the winter holidays since they would be busy. Accordingly, they had submitted the RTI application dated 28.10.2024 to the PIO of the Directorate after the Hornbill festival and the winter holidays only on 11.02.2025.

The Commission observed that the RTI application dated 28.10.2024 was received by the PIO of the Directorate on 10.02.2025 as evidenced on the body of the application, and on receipt of the said RTI application, Shri. Imtisungkum, Joint Director & PIO, Directorate of Land Resources, Nagaland, Kohima had, vide letter No. DOLR/RTI-3/2022(Vol-II)/2090-99 dated 12.02.2025, transferred the RTI application to the districts and a copy of letter was produced during the hearing.

On receipt of the information from the DPOs & PIOs of Peren, Phek, Kiphire, Noklak and Tuensang, Shri. Imtisungkum, Joint Director & PIO, Directorate of Land Resources, Nagaland, Kohima had, vide letter No. DOLR/RTI-3/2022(Vol-II)/3040-41 dated 11.03.2025 furnished the information to the applicants, hence no delay was observed. However, on not being satisfied with the information, the applicants had filed first appeal dated 24.04.2025, and on receipt of the first appeal on 24.04.2025, Shri. Imtisungkum, Joint Director & PIO, Directorate of Land Resources, Nagaland, Kohima had, vide letter No. DOLR/RTI-3/2022(Vol-II)/81-85 dated 23.04.2025, forwarded the first appeal to the DPOs & PIOs. The Director & FAA had, after hearing the first appeal on 23.05.2025, and on receipt of the information from the DPOs & PIOs of Peren, Phek, Kiphire, Noklak and Tuensang, re-furnished to the applicants (now the appellants) on 26.05.2025.

During the hearing, the applicants (now appellants) had, referring to the information received, pointed out that the department had received Rs. 3.500 crores during 2021-22 and Rs. 25.950 during 2022-23, and the five (5) districts of Peren, Tuensang, Phek, Noklak and Kiphire had invested a total amount of Rs. 15 crores, hence there should be a balance of Rs. 10 crores. However, since there were no APRs regarding the balance amount of Rs. 10 crores even after filing of the first appeal, they had filed the second appeal before the Commission.

The Director & FAA, Directorate of Land Resources, Nagaland, Kohima explained that there are no APRs (Actual Payee Receipts) since amount is transferred directly to the beneficiary accounts through DBT (Direct Benefit Transfer) under PFMS (Public Fund Management System). He stated that during the FAA hearing, it was clarified to the applicants that "*the Rs. 6.07 crores was a balance amount and was carried over to the following year.*" He also pointed out that in the first appeal, the applicants (now the appellants) had indicated a balance amount of Rs. 6,07,65,422/- but during the hearing, the balance mentioned was Rs. 10 crores. The FAA had, therefore clarified that the balance amount of Rs. 6.07 crores pertained to the year 2022-23 was carried over to the

next financial year, 2023-24, and the balance amount of more than Rs. 10 crores was the closing balance for 2023-24 which was also carried over to the next following financial year.

The Commission observed that since the amount of Rs. 6,07,65,422/- and the Rs. 10 crores alleged by the applicants (now appellants) were only balance amounts and have been carried over to the following financial years, these balance amounts cannot be termed as expenditure and hence no APRs. Moreover, as explained above by the FAA, there are no APRs since presently, in all government schemes, the amounts are deposited directly to the beneficiaries.

The applicants (now appellants) also agreed with the above explanation regarding the APRs, however he wanted at least the proof of transfer of money to the beneficiaries accounts.

DECISION

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

1. The Public Authority shall furnish the proof of transfer of amount to the beneficiaries to the applicants (now appellants) free of cost within ten (10) days from the date of receipt of this Decision and with a copy to this Commission.
2. On receipt of the above information from the public authority, the applicants (now appellants) shall submit satisfaction or non-satisfaction to the PIO and with a copy to this Commission within seven (7) days from the date of receipt of the information.

On receipt of the above compliances, the Commission shall declare the case as closed.

Decision pronounced in the presence of both the parties on 31.07.2025 at 12:30 PM.

Copies be given to:

1. The Director & FAA, Directorate of Land Resources, Nagaland, Kohima.
2. The District Project Officers & PIOs, Peren, Tuensang, Phek, Noklak and Kiphire.
3. The applicants (now appellants), Shri. Ketholezo & party, Mobile No. 9862089238.
- ✓ 4. The Computer Programmer, Nagaland Information Commission for uploading on the website.
5. Office copy.

Sd/-

KEVISA KENSE (IAS Retd.)
Chief Information Commissioner

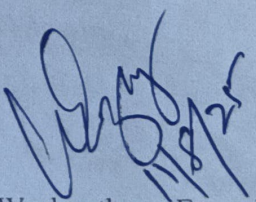
Sd/-

T. KEKONGCHIM YIMKHIUNG
State Information Commissioner

Sd/-

NOSAZOL CHARLES
State Information Commissioner

Authenticated true copy:


(Worhonthung Ezung)
Deputy Secretary