

NAGALAND INFORMATION COMMISSION

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No. NIC/Appeal-32/2017-18.

Dated Kohima, the 26th September, 2018.

Appellant : Shri. Kevizo and Party,
Daklane,
Kohima, Nagaland,
Mobile No. 7423831412/9612457876

Respondents : 1) Director & FAA,
Rural Development,
Nagaland, Kohima.

2) The Project Director & PIO,
District Rural Development Agency (DRDA), Phek.

Public Authority : District Rural Development Agency (DRDA), Phek.

Date of hearing : 19.09.2018 at 1:00 PM.
Date of Decision : 26.09.2018.

Present:

1. Shri. Imlimeren Jamir, Director & FAA, Rural Development, Nagaland, Kohima, Mobile No. 9436005660.
2. Smti. Azenuo Pienyu, Project Director & PIO, DRDA, Phek, Mobile No. 9436001443.
3. Shri. I. Watitemjen, A.O, O/o the Project Director, DRDA, Phek, Mobile No. 9612370209.
4. The applicant (now appellant), Shri. Shri. Kevizo and Party, Daklane, Kohima, Nagaland, Mobile No. 7423831412/9612457876

FACT OF THE CASE

An applicant, Shri. Kevizo & Party had submitted an RTI application dated 24.08.2017 addressed to the PIO, District Rural Development Agency (DRDA), Phek, Nagaland along with the prescribed application fee of Rs. 10/- in cash seeking the following information:

1. *Furnish name of scheme and amount taken up under MGNREGA for the year 2016-17 and 17-18 up to August 2017.*
2. *Furnish the supplier item and name of Contractor during 2016-17 and 17-18 up to August 2017.*
3. *Furnish the materials amount along with cash memo allotted each village under MGNREGA for the year 2016-17 and 17-18 up to August 2017.*
4. *Percentage deduction of VIP, Party Fund and Department in wage and material under MGNREGA for the year 2016-17 and 17-18 up to August 2017.*
5. *Furnish cash disbursed of each village under MGNREGA for the year 2016-17 and 17-18 up to August 2017.*

6. *Bank statement of all the block and village for the year 2016-17 and 17-18 up to August 2017.*
7. *Completion certificate of each scheme during 2016-17 and 17-18 upto August 2017.*

On not getting any response from the PIO, District Rural Development Agency (DRDA), Phek to his RTI application dated 24.08.2017 within the prescribed time period of thirty (30) days, the applicant had submitted a first appeal dated 23.10.2017 to the Director & First Appellate Authority, Rural Development, Nagaland, Kohima.

On not getting any response to his first appeal dated 23.10.2017 from the Director & First Appellate Authority, the applicant (now appellant) had preferred a second appeal dated 14.12.2017 before this Commission.

On receipt of the second appeal dated 14.12.2017, since the first appeal was not heard, the Commission had, vide letter of even No. dated 09.02.2018 directed the Director & FAA, Rural Development, Nagaland, Kohima to take up the first appeal by hearing the parties i.e. the applicant (now appellant) and the PIO concerned and pass decision within 1(one) month from the date of receipt of the directive and submit a copy of the decision to this Commission.

The Commission had, vide letter No.DRD/ME/RTI/AA-8/2017-18 dated 09.03.2018 received decision dated 09.03.2018 of the FAA stating that the decision could not be taken as the applicant (now appellant) did not turn up for the hearing fixed on 09.03.2018 at 12:20 P.M.

The Commission had, vide letter of even dated 04.04.2018 directed the Director, Rural Development, Nagaland, Kohima to publish Notice for Hearing in the Local Dailies/ Newspapers summoning the applicant (now appellant) to appear for the hearing on the appointed date and time positively and copy of the Notice for Hearing/ Summon Notice served and newspaper clipping be sent to this Commission.

In compliance to the directive of the Commission dated 04.04.2018, the Director & FAA, Rural Development, Nagaland, Kohima had, vide letter No. DRD/ME/RTI/AA-7/2016-17 dated NIL submitted the newspaper clipping of Nagaland Post dated 14.04.2018 wherein the Notice served to the applicant (now appellant) to appear before the First Appellate Authority, Rural Development for Hearing on 27th April (Friday) 2018 at 12:30 P.M. at the Directorate of Rural Development, Nagaland, Kohima had appeared/ published.

Though sufficient time had elapsed, there was no response from both the parties since the first appeal dated 23.10.2017 was heard on 27.04.2018 at 12:30 P.M, the Commission had, vide letter of even No. dated 18.06.2018 directed the Director & FAA, Rural Development, Nagaland, Kohima to submit a copy of the decision of the FAA.

Since the Commission has not received any response from the Director & FAA, the Commission has decided to hear the appeal case again, giving opportunity of being heard to both the parties on **19th September (Wednesday), 2018 at 1:00 P.M.** and had also directed the parties **to bring the files and relevant documents** in question for scrutiny on the above date and time for hearing.

1. Shri. Imlimeren Jamir, Director & FAA, Rural Development, Nagaland, Kohima.
2. The Project Director & PIO, DRDA, Phek, Nagaland.
3. The applicant (now appellant) Shri. Kevizo & Party, Daklane, Kohima.

OBSERVATIONS AND FINDINGS:

During the hearing, the applicant (now appellant) stated that he did not attend the hearing of his first appeal dated 23.10.2017 on 09.03.2018 at 12:20 P.M. since he did not receive the notice for the hearing issued by the Director & FAA. However, he had attended the second hearing of his first appeal on 27.04.2018 at 12:30 P.M. wherein the information was furnished and he was asked to submit his satisfaction or non-satisfaction within 15 days.

The Director & FAA stated that on the direction of the Commission, the hearing was conducted on 27.04.2018 at 12:30PM and the information furnished to the applicant (now appellant). He had also stated that he had sent a copy of his decision on the first appeal to the Commission, however, the Commission had not received it.

Smti. Azenuo Pienyu, Project Director & PIO, DRDA, Phek informed that on transfer, she took over the charge of the Project Director, DRDA, Phek only in **January, 2018** from his predecessor, Shri. Razouvolie Dozo, NCS. She stated that the RTI application dated 24.08.2017 was received on **30.08.2017** by the former Project Director & PIO, DRDA, Phek, Shri. Razouvolie Dozo, NCS, however, she was not informed regarding the present RTI case when she took over the charge from him.

Further, Smti. Azenuo Pienyu, the present Project Director & PIO, DRDA Phek submitted that for the hearings of the first appeal called by the Director & FAA on 09.03.2018, she stated that she had deputed the Deputy Programme Officer and the Accounts Officer to attend the hearings. And on the direction of the Director & FAA during the second hearing held on 27.04.2018, she had furnished the information to the applicant on **10.05.2018** and the applicant had also expressed satisfaction with the information.

During the hearing, the applicant (now appellant) had also submitted that he had received the information and was satisfied, however, he had not submitted his satisfaction in writing.

The Commission observed that on receipt of the RTI application dated 24.08.2017 on **30.08.2017**, the information should have been furnished to the applicant within 30 days, i.e. on or before 29.09.2017, however the information was furnished only on **10.05.2018**, which was only after the second hearing of the first appeal by the Director & FAA on 27.04.2018 at 12:30 P.M. And from the expiry of the 30 days on 29.09.2017 to the date of furnishing of the information on **10.05.2018**, there was a considerable delay of **223 days**. However, since penalty is imposed @ Rs. 250/- per day of delay subjected to a maximum of Rs. 25,000/-, which means maximum of 100 days of delay only, and in this case the 100 days of delay pertained to the tenure of the former Project Director & PIO of DRDA, Phek.

DECISION:

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

1. Since the applicant (now appellant) had received the information and was satisfied with the information, he shall submit his satisfaction **in writing** to the Project Director & PIO, DRDA, Phek and with a copy to this Commission within **fifteen (15) days** from the date of receipt of this decision.

2. Under Section 20 (1) of the RTI Act 2005, penalty at the rate of Rs. 250/- per day of delay for the maximum delay, amounting to **Rs. 25,000/-** (Rupees twenty five thousand only) is imposed on Shri. Razouvolie Dozo, NCS, former Project Director & PIO, DRDA, Phek, Nagaland for contributing to the maximum delay in furnishing the information to the applicant (now appellatant) without reasonable cause.

The above penalty amount shall be paid within **fifteen (15) days** from the date of receipt of this decision. The penalty amount shall be deposited into the Government account through **treasury challan** in favour of the Consultant (Accounts), Nagaland Information Commission, Kohima under the Head of Account given below, with a copy of the **treasury challan**(in original) to this Commission:-

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

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

Decision pronounced in the presence of both the parties on 19.09.2018.

Copy be given to:-

1. Shri. Imlimeren Jamir, Director & FAA, Rural Development, Nagaland, Kohima, Mobile No. 9436005660.
2. Shri. Razouvolie Dozo, NCS, former Project Director & PIO, DRDA, Phek.
3. Smti. Azenuo Pienyu, present Project Director & PIO, DRDA, Phek, Mobile No. 9436001443.
4. The applicant (now appellatant) Shri. Kevizo & Party, Daklane, Kohima, Mobile No.7423831412/ 9612457876 .
5. The Consultant(Accounts), Nagaland Information Commission for information.
6. The Computer Programmer, Nagaland Information Commission for uploading on the Commission's website and Notice Board.
7. Office Copy.

Sd/-

CHANBEMO LOTHIA
Chief Information Commissioner

Sd/-

G. H. RAMLIA
State Information Commissioner

Sd/-

KEVIZATUO MIACHIEO
State Information Commissioner

Authenticated true copy:-

(WORHONTHUNG EZUNG)
Secretary