

NAGALAND INFORMATION COMMISSION
Old Secretariat Complex,
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Nagaland, Kohima - 797001.
Tel: 0370-2291041, Fax: 0370-2291774, Website: www.nlsic.gov.in



No. NIC/Appeal-14/2016-17

Dated Kohima, the 29th November, 2016.

Appellant : Gamsa,
Kendung Village,
Peren, Nagaland,
Mobile No. 9485223976

Respondents : (i) The Director & First Appellate Authority,
Rural Development,
Nagaland, Kohima.

(ii) Smti. Imtinenla,
Project Director & PIO,
District Rural Development Agency,
Peren, Nagaland.

Public Authority : Office of the Project Director, DRDA, Peren.

Date of hearing : 23.11.2016 at 1:30 PM.

Date of Decision : 29.11.2016.

Present:

- i. Shri. Metsubo Jamir, Director & FAA, Rural Development, Nagaland, Kohima, Mobile No. 94385238341.
- ii. Shri. Imlimeren Jamir, Additional Director & PIO, Directorate of Rural Development, Nagaland, Kohima, Mobile No. 9436005660.
- iii. Smti. Imtinenla, Project Director & PIO, District Rural Development Agency, Peren, Nagaland, Mobile No. 9436008665.
- iv. The applicant (now appellant), Shri. Gamsa, Kendung Village, Peren, Nagaland, Mobile No. 9485223976.

FACT OF THE CASE

An applicant, Gamsa, Kendung Village, Peren, Nagaland, Mobile No. 9485223976 had submitted an RTI application dated 18.07.2016 addressed to the Public Information Officer, District Rural Development Agency, Peren District, Nagaland seeking the following information under the RTI Act, 2005:-

1. *Detail amount of money sanctioned for Peren district in a yearly wise, since the implementation of Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) till date?*
2. *Number of job card holders in Peren district under Mahatma Gandhi National Rural Employment Guarantee Act*
3. *Number of roads constructed under Pradhan Mantri Gram Sadak Yojana in Peren district with full details?*
4. *Number of Village covered in Peren district under Provision of Urban Amenities to Rural Areas?*
5. *Number of project taken up with details under Provision of Urban Amenities to Rural Areas in Peren district?*
6. *Number of beneficiaries under National Social Assistance Programme in Peren district with details.*
7. *Number of houses constructed and in Peren district: under the scheme of Indira Awaas Yojana?*
8. *Expenditure incurred for construction of each household under Indira Awaas Yojana?*

The above RTI application dated 18.07.2016 was received on the same date i.e 18.07.2016 by the DPO-I as evidenced on the body of the application. However, it is not known whether the applicant had paid the prescribed application fee of Rs. 10/- (Rupees ten only) since the applicant had not mentioned regarding the fees.

On receipt of the RTI application dated 18.07.2016, Smti. Imtinenla, Project Director & PIO, DRDA, Peren, Nagaland had, vide letter No. DRDA/PRN/RTI-2/2009-10/3 dated 05.08.2016 furnished the reply/information to the applicant.

However, on being not satisfied with the replies of the PIO, DRDA Peren, the applicant had, on 23.08.2016 sent an email to the public authority at dirrd-ngl@nic.in stating that:-

i) Regarding query No. 1 of the RTI application, instead of providing him the details amount of money sanctioned for Peren district under MGNREGA since it's inception till date which was asked for, however, the department have just provided money figures without any details and explanation.

ii) Regarding query No.8, the department had answered that they provide only roofing materials under Indira Awaas Yojana(IAY) however, as per the guidelines of IAY, a sum of Rs. 75,000/- (Rupees seventy five thousand only) for each house should be provided in the hills sector. Hence, questioned the anomalies.

On not getting any response to his email dated 23.08.2016 probably, his first appeal from the Director & FAA, Rural Development, Nagaland, Kohima, he had sent another email dated 23.09.2016 probably, his second appeal to the Commission.

The Commission has decided to hear the appeal, giving opportunity of being heard to all the parties on **23rd November, 2016 (Wednesday) at 1:30 P.M.** in the **Hearing Room of the Nagaland Information Commission, Old Secretariat Complex, Kohima.** The Commission had also notified the following concerned 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.

- i. The Director & FAA, Rural Development, Nagaland, Kohima.
- ii. Smti. Imtinenla, Project Director & PIO, District Rural Development Agency, Peren, Nagaland.
- iii. The applicant (now appellant), Shri. Gamsa, Kendung Village, Peren, Nagaland.

OBSERVATIONS AND FINDINGS:

During the hearing, the applicant (now appellant) submitted that he had received the information on 05.08.2016, however, since he was **not satisfied** with the reply to query Nos. 1 and 8, he had sent his first appeal to the public authority by **email** which he got it from the department's website. Further, he stated that he was not satisfied with the information so received from the PIO since the PIO had furnished only some figures, though he wanted more details. Moreover, he stated that the information which he got from the internet was different.

Shri. Metsubo Jamir, Director & FAA, Rural Development, Nagaland, Kohima stated that the first appeal sent by the applicant **via email** was never received since the email was no longer used. However, had he received the first appeal, he would have called for a hearing and had given the information to the applicant. Further, the Director & FAA submitted that the queries asked by the applicant were very sketchy and the period for which the information was sought was not specific or not known. He stated that only query Nos. 1 and 2 pertaining to *Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA)* and query Nos. 7 and 8 pertaining to *Indira Awaas Yojana (IAY)* are implemented by the Rural Development Department whereas query No. 3 relating to *Pradhan Mantri Gram Sadak Yojana (PMGSY)* is implemented by the PWD (R &B); query No. 4 and 5 pertaining to *Provision of Urban Amenities to Rural Areas* is **not implemented** in the State of Nagaland; and query No. 6 pertaining to *National Social Assistance Programme* is implemented by the Social Welfare Department.

The Commission observed that since the FAA had not received the first appeal, he could not hear and pass decision. The Commission also observed that the PIO had given the reply to the applicant within the time limit of 30 days and hence there was no delay, however, under

section 6(3) of the RTI Act, 2005, the PIO should have transferred those queries to the relevant public authorities which do not relate to or are not dealt by the Rural Development.

Regarding the issue of the non functional of the email ID of the department, the public authority is advised to make necessary corrections in the contact details and the email IDs on its current website.

DECISION:

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

1. Since the first appeal which was sent by email on 23.08.2016 by the applicant was not received and hence not heard, the Director & FAA shall hear the first appeal with the PIO and the applicant in attendance at the earliest on a convenient date, and submit a copy of the decision on the first appeal to the Commission **within two (2) weeks** from the date of receipt of this decision.
2. Since the information sought under query Nos. 3 and 6 are not dealt or implemented by the Rural Development Department, Smti. Intimenla, Project Director & PIO, District Rural Development Agency, Peren, Nagaland shall transfer query No. 3 relating to *Pradhan Mantri Gram Sadak Yojana* (PMGSY) to the PWD (R &B) and query No. 6 pertaining to *National Social Assistance Programme* to the Social Welfare Department under intimation to the applicant and to the Commission.

Decision pronounced in the presence of all parties present on 23.11.2016.

Copies be given to:-

1. Shri. Metsubo Jamir, Director & FAA, Rural Development, Nagaland, Kohima, Mobile No. 94385238341.
2. Smti. Intimenla, Project Director & PIO, District Rural Development Agency, Peren, Nagaland, Mobile No. 9436008665.
3. The applicant (now appellant), Shri. Gamsa, Kendung Village, Peren, Nagaland, Mobile No. 9485223976.
4. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
5. Office Copy.

(TOSHI AIER) IAS (Retd.)
Chief Information Commissioner

(CHANBEMO LOTH)
State Information Commissioner