

NAGALAND INFORMATION COMMISSION
Below Raj Bhavan, Officers' Hill Colony
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No. NIC/Appeal-29/2017-18

Dated Kohima, the 20th April, 2018

Appellant : Shri. Hiareuchi N dang,
Perenkipeujang Village,
Peren Town,
Mobile No. 9436613106.

Respondents : 1) Director & FAA,
Rural Development,
Nagaland, Kohima.
2) Concerned PIO,
District Rural Development Agency (DRDA), Peren,

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

Date of hearing : 17.04.2018 at 1:00 PM.

Date of Decision : 20.04.2018.

Present:

1. Shri. Implimeren Jamir, Director & FAA, Rural Development, Nagaland, Kohima, Mobile No. 9436005660.
2. Shri. K. Neibou Sekhose, Joint Director, Rural Development, Nagaland, Kohima, Mobile No. 9436000365.
3. Shri. Keyirangding Hegui, Project Director & PIO, District Rural Development Agency (DRDA), Peren, Nagaland, Mobile No. 9862339023.
4. Shri. Henito Achumi, A. O, Rural Development, Nagaland, Kohima, Mobile No. 8119077132.
5. Smti. Asako Khatso, LDA, Rural Development, Nagaland, Kohima, Mobile No. 8974621255.

The applicant (now appellant), Shri. Hiareuchi N dang, Perenkipeujang Village, Peren Town, Mobile No. 9436613106 **did not appear** for the hearing.

FACT OF THE CASE

An applicant, Shri. Hiareuchi N dang had submitted an RTI application dated 09.08.2017 addressed to the PIO, District Rural Development Agency (DRDA), Peren along with the prescribed application fee of Rs. 10/- seeking the following information in regard to the schemes implemented by the Rural Development Department Nagaland particularly in respect of Peren District from the year 2010 till date:

- i. *Under Pradhan Mantri Gramin Awaas Yojana how many households are covered? And also please provide individual name of the beneficiaries with proof of financial help extended?*
- ii. *Name of beneficiaries under Grand in Aid Programme.*
- iii. *Name of Village Development Boards (VDBs) benefited under Matching Cash Grant (MCG) with details account of transaction?*
- iv. *Under Swaranjayanti Gram Swarozgar Yojana please furnish the name of Self Help Groups granted credit link with 50% subsidy with detail account of financial transactions under taken?*
- v. *Under Mahatma Gandhi National Rural Employment Guarantee Act please provide details of work activities taken by every village with all financial transaction proof and record.*
- vi. *Under Non Conventional Energy, please provide the projects taken up and implemented with full detail account of financial statement.*
- vii. *Under the recently launched Shyama Prasad Mukherji Rurban Mission please provide the latest updates of project taken up along with financial statement of expenditure incurred in the first phase of implementation.*

The above RTI application dated 09.08.2017 was received on the same date i.e. on 09.08.2017 as evidenced on the body of the application, however, on not getting any response from the PIO, District Rural Development Agency (DRDA), Peren to his RTI application dated 09.08.2017, the applicant had

submitted a first appeal dated NIL by Speed Post bearing No. EE461040790IN on 13.09.2017 which was received by the Public Authority on 18.09.2017.

On not getting any response from the Director & FAA, Rural Development, Nagaland, Kohima to his first appeal dated NIL, the applicant (now appellant) had preferred a second appeal dated 26.10.2017 by email before this Commission.

On receipt of the second appeal dated 26.10.2017, since the first appeal was not heard, the Commission had vide letter of even No. dated 30.11.2017 directed the First Appellate Authority to take up the first appeal by hearing the parties i.e. the applicant 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 the Commission. And in compliance to the directive of the Commission dated 30.11.2017, the Director & FAA, Rural Development, Nagaland, Kohima had, vide letter No. DRD/ME/RTI/AA-8/2017-18/52 dated 07.02.2018 submitted to the Commission that a hearing was scheduled on 21.11.2017, however, the applicant (now appellant) did not appear for the hearing and instead submitted withdrawal letter dated 20.11.2017 stating that he was satisfied with the information furnished by the PIO, District Rural Development Agency (DRDA), Peren.

Meanwhile, on the direction of the Commission during the hearing of another case on 05.02.2018 at 12:00 P.M, the Director & FAA had informed the applicant (now appellant) that the withdrawal of appeal should be made before the Chief Information Commissioner and not to the First Appellate Authority since a second appeal had been filed to the Commission.

Since the Commission has not received the withdrawal letter from the applicant (now appellant) and in order to ascertain the delay in furnishing the information, the Commission has decided to hear the appeal on **17th April, 2018 (Tuesday) at 1:00 P.Min the Hearing Room of Nagaland Information Commission, Below Raj Bhavan, Officers' Hill Colony, Nagaland, Kohima** and had also directed **to bring the files and relevant documents** in question for scrutiny on the above date and time for hearing.

- i. Shri. Imlimeren Jamir, Director & FAA, Rural Development, Nagaland, Kohima.
- ii. The Project Director & PIO, District Rural Development Agency (DRDA), Peren, Nagaland.
- iii. The applicant (now appellant), Shri. Hiareuchi Ntang, Perenkipeujang Village, Peren Town.

OBSERVATIONS AND FINDINGS:

The applicant (now appellant) did not appear for the hearing and there was no prior intimation or reason for his absence in the hearing.

During the hearing, Shri. Keyirangding Hegui, Project Director & PIO, District Rural Development Agency (DRDA), Peren informed that on transfer, he took the charge as the new Project Director & PIO, DRDA, Peren on 18.12.2017. He further submitted that the information was furnished by his predecessor to the applicant on **17.11.2017**, however, copies of the information were not available with him and hence could not be produced before the Commission.

The Director & FAA had stated that a notice was served to the applicant for a hearing on 21.11.2017, however, the applicant did not appear and instead submitted withdrawal letter dated 20.11.2017 stating satisfaction with the information furnished by the PIO, District Rural Development Agency (DRDA), Peren. Another hearing was fixed again on 05.02.2018, however, the applicant still did not appear for the hearing. Further, the Director & FAA had submitted that due to the transfer and posting of the Project Director of DRDA, Peren, the copies of the information which was furnished to the applicant could not be produced before the Commission and had therefore requested the Commission for more time to locate the information/documents.

The Commission observed that the public authority had not come prepared for the hearing. Also since the applicant (now appellant) had never appeared for any of the hearings called by the Director & FAA and by the Commission and instead submitted withdrawal letter stating satisfaction of the information, the Commission suspected the applicant (now appellant) of misusing of the RTI Act by harassing and intimidating the public authority while seeking information. The Commission took a serious view and the applicant (now appellant) is warned not to misuse or abuse the RTI Act.

DECISION:

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

1. The Project Director & PIO, Peren shall submit the following to the Commission **within two (2) weeks** from the date of receipt of this Decision:-
 - a) the **date of furnishing** of the information to the applicant (now appellant);
 - b) Copy of the information furnished to the applicant (now appellant);
 - c) Proof of receipt or acknowledgement of the information received by the applicant (now appellant);
2. As observed by the Director & FAA in his Decision dated 07.02.2018 that since the applicant (now appellant) had filed a second appeal to the Commission, the withdrawal of appeal should be made before the Chief Information Commissioner and not to the First Appellate Authority, the applicant (now appellant) shall submit his withdrawal letter to the Commission **within two (2) weeks** from the date of receipt of this Decision:-
3. On receipt of the above compliances, the Commission shall hear the appeal again in the presence of the applicant (now appellant), the former PIO and the present PIO in the next hearing which shall be notified later.

Decision pronounced in the presence of the respondents only on 17.04.2018.

Copy be given to:-

1. Shri. Implimeren Jamir, Director & FAA, Rural Development, Nagaland, Kohima, Mobile No. 9436005660.
2. Shri. K. Neibou Sekhose, Joint Director, Rural Development, Nagaland, Kohima, Mobile No. 9436000365.
3. Shri. Keyirangding Hegui, Project Director & PIO, District Rural Development Agency (DRDA), Peren, Nagaland, Mobile No. 9862339023.
4. The applicant (now appellant), Shri. Hiareuchi N dang, Perenkipeujang Village, Peren Town, Mobile No. 9436613106.
5. The Computer Programmer, Nagaland Information Commission for uploading on the Commission's website and Notice Board.
6. Office Copy.

Sd/-
CHANBEMO LOTH A
Chief Information Commissioner

Sd/-
G. H. RAMLIA
State Information Commissioner

Sd/-
KEVIZATUO MIACHIEO
State Information Commissioner

Authenticated true copy:-

(WORHONHUNG EZUNG)
Secretary