

NAGALAND INFORMATION COMMISSION
Old Secretariat Complex,
Post Box No. 148
Nagaland, Kohima - 797001.
Tel: 0370-2291041, Fax: 2291774, Website: www.nlsic.gov.in

No. NIC/Appeal-12/2012-13

Dated Kohima, the 11th July, 2013.

Appellant: Mr. Rügeisier,
Assembled Organisation,
Kohima Village, L Khel,
Post Box No. 907,
Kohima Head Post Office,
Kohima.

Respondent:

1. The Director & First Appellate Authority,
Rural Development,
Nagaland, Kohima.
2. The Project Director & PIO,
DRDA, Kohima.

Public Authority: DRDA, Kohima,
Rural Development,
Nagaland, Kohima.

Date of hearing: 11.07.2013

Date of decision: _____

Present:

- i. Shri. Metsubo Jamir, Director & First Appellate Authority, Rural Development, Nagaland, Kohima.
- ii. Shri. Hilo Semp, Additional Director & PIO, Rural Development, Nagaland, Kohima.
- iii. Smti. Thungdeno Mozhui, Project Director & PIO, DRDA, Kohima.
- iv. Shri. Sihu Bizo, DPO, DRDA, Kohima.
- v. Shri. K. Neibou Sekhose, Deputy Director, Rural Development, Nagaland, Kohima.
- vi. Shri. P. Koza, BDO, Kohima.

3. Shri. Nolengol, Project Director & PIO, DRDA, Kohima;
4. The appellant, Mr. Rügeisier of Assembled Organisation, Kohima Village, L Khel, Post Box No. 907, Kohima Head Post Office, Kohima **was not present.**

FACT OF THE CASE

Mr. Rügeisier of Assembled Organisation, Kohima Village, L Khel, Post Box No. 907, Kohima Head Post Office, Kohima, the applicant had submitted RTI application dated

04.02.2012 alongwith the prescribed fee to the PIO, Office of the Project Director, DRDA, Kohima seeking information on:-

- i. Copy of BPL Card holders' name, address and numbers under Kohima Block;
- ii. Copies of selected name of beneficiaries submitted by concerned villages VDB during 2007-11 for Kohima Block under IAY Scheme; and
- iii. Whether DRDA, Kohima received the enclosed supply of CGI Sheet under IAY Scheme during 2009-10 and 2010-11? If received, furnish the list of beneficiaries during 2009-11 under IAY Scheme.

On not receiving any information from the PIO, Office of the Project Director, DRDA, Kohima within the stipulated time frame, the applicant (now appellant) had submitted First Appeal addressed to the Appellate Authority, Office of the Project Director, DRDA, Kohima on **19.03.2012**. Having not received any response from the Appellate Authority, Office of the Project Director, DRDA, Kohima, the applicant (now appellant) submitted a complaint before this Commission on 02.05.2012. However, the Commission, on examination of the complaint letter dated 02.05.2012, observed that the First Appeal dated 19.03.2012 was wrongly addressed and hence advised the appellant to prefer his First Appeal to the appropriate authority i.e. Director & First Appellate Authority, Rural Development, Nagaland, Kohima vide No. NIC/RTI-3/2012-13/190 dated 24.05.2012.

And on the advice of the Commission, the applicant (now appellant) had accordingly submitted the First Appeal dated **28.05.2012** to the Director & First Appellate Authority, Rural Development, Nagaland, Kohima. In the meantime, the Addl. Director & PIO, Rural Development, Nagaland, Kohima had vide letter No. DRD/RTI-14/06 (Pt-II) dated **11.06.2012** furnished the information to the applicant (now appellant).

And on receipt of the First Appeal dated **28.05.2012**, the Director & First Appellate Authority, Rural Development, Nagaland, Kohima, had instead of hearing the parties, simply directed the Project Director, DRDA, Kohima to convene a meeting with the appellant on 12.07.2012 at 12:00 noon in the Office chamber of the Project Director, DRDA, Kohima vide his letter No. DRD/DIR-1/P/2002 dated 09.07.2012. Accordingly, Shri. Nolengol, Project Director & PIO, DRDA, Kohima vide his letter No. DRDA/003/RTI/IAY/2012-13 dated 11.07.2012 informed the appellant about the aforementioned meeting.

The Commission had, vide its letter of even No. dated 23.08.2012 directed the Director & First Appellate Authority, Rural Development, Nagaland, Kohima to **refrain from shunning off his responsibilities & duties as the First Appellate Authority again** but to hold a hearing of the parties (PIOs and the appellant) and pass a quasi-judicial decision **by 31.08.2012** with a copy of the decision to the Commission and the appellant.

The Addl. Director & PIO, Rural Development, Nagaland, Kohima had, vide letter No. DRD/ME/RTI-2/09(Pt-1)/152 dated 28.08.2012 notified to the parties that the Director & First Appellate Authority, Rural Development, Nagaland, Kohima had convened a hearing on 30.08.2012 at 2:00 PM in his official chamber.

The Commission had, vide its letter of even No. **dated 19.11.2012**, directed the Director & First Appellate Authority, Rural Development, Nagaland, Kohima that since the Commission **had not received** any copy of the decision of the Director & First Appellate Authority, Rural

Development, Nagaland, Kohima, a copy of the hearing held on 30.08.2012 at 2:00 PM be given to the appellant and to this Commission **within one (1) week** from the date of receipt of the Commission's directive.

The appellant had submitted before the Commission, another appeal **dated 17.11.2012**, stating that, vide letter No. DRD/ME/RTI-2/09(Pt-I) dated 31.08.2012, the Director & First Appellate Authority, Directorate of Rural Development, Nagaland, Kohima had, during the hearing on 30.08.2012 directed the Project Director & PIO, DRDA Kohima to convene a meeting with the appellant and to sort out discrepancies regarding allotment of CGI sheets under IAY Scheme under Kohima Block, the Project Director & PIO, DRDA Kohima.

Shri. Nolengol, Project Director & PIO, DRDA, Kohima had accordingly furnished the information vide letter No. DRDA/002/RTI/GEN/2010-11/562-66 dated 29.09.2012. However, the applicant (now appellant) submitted that the information was incomplete as the names of the beneficiaries under IAY Scheme during 2009-11 were not given.

Since the Commission did not received the copy of the hearing held on 30.08.2012, though reminder was sent earlier on 19.11.2012, the Commission had once again, vide its letter of even No. dated **30.11.2012** directed the Director & First Appellate Authority, Directorate of Rural Development, Nagaland, Kohima to submit a copy of the decision on the hearing held on 30.08.2012 and the clarification on the issue raised by the appellant regarding the names of the beneficiaries under IAY Scheme during 2009-11 to be submitted **by 10.12.2012** positively, after which the Commission shall decide the matter as deemed fit.

The Commission, on receipt of the copy of the decision on the hearing of the first appeal held on 30.08.2012, vide letter No. DRD/ME/RTI-2/09 (Pt-I)/334 dated 27.11.2012 and vide letter No. DRD/ME/RTI-2/09 (Pt-I)/341 dated 05.12.2012, observed that the clarification on the issue raised by the appellant, regarding the discrepancies in the allotment of CGI sheets under IAY Scheme under Kohima Block, wherein the **names of the beneficiaries** under IAY Scheme during 2009-11 **were not given**.

The Commission again, vide its letter of even No. **dated 18.02.2013** directed the Director & First Appellate Authority, Directorate of Rural Development, Nagaland, Kohima to submit a copy of the clarification on the issue raised by the appellant regarding the names of the beneficiaries under IAY Scheme during 2009-11 **within two (2) weeks** from the date of receipt of this directive to the appellant and with a copy to this Commission. However, till date there was no response.

The Nagaland Information Commission had decided to hear the appeal on **7th June, 2013 (Friday) at 1:00 PM**.

OBSERVATIONS:

1. Shri. Nolengol, who was the Project Director & PIO, DRDA, Kohima when the RTI case was filed and information furnished in 2012, has been transferred to Mokokchung in 2013.

2. Shri. Nolengol, Project Director & PIO, DRDA, Kohima failed to appear before the Commission during the hearing, and there was no formal intimation to the Commission for his absence in the hearing.
3. The Director & First Appellate Authority, Rural Development, Nagaland, Kohima submitted that on 30.08.2012, hearing was held on the first appeal dated **28.05.2012**, however, it was not clear what the applicant (now the appellant) actually wanted.
4. Also that the letter of the Director & First Appellate Authority, Rural Development, Nagaland, Kohima to the Project Director & PIO, DRDA, Kohima vide his letter No. DRD/DIR-1/P/2002 dated 09.07.2012 to convene a meeting with the appellant on 12.07.2012 at 12:00 noon in the Office chamber of the Project Director, DRDA, Kohima was mis-understood by the appellant as direction to the PIO to conduct the hearing.
5. The Addl. Director & PIO, Rural Development, Nagaland, Kohima submitted that the **complete information** was provided vide letter No. _____ dated _____ and that the applicant had received **on 21.03.2013** as evidenced on the body of the letter. However, there was no record on file that the above letter was **sent or** received by the Commission.

DECISION:

1. Since the information had been provided, the case may be closed only after receipt of the satisfaction of the applicant (now appellant).
2. The next date of hearing shall be held on **01.08.2013 at 2:30PM.**
3. Subordinate officers, especially the PIOs and APIOs to be more active.

Copies be given to the parties:-

6. The Director & First Appellate Authority, Rural Development, Nagaland, Kohima;
7. The PIO, Rural Development, Nagaland, Kohima;
8. Shri. Nolengol, Project Director & PIO, DRDA, Kohima;
9. Mr. Rügeisier of Assembled Organisation, Kohima Village, L Khel, Post Box No. 907, Kohima Head Post Office, Kohima for information.
10. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
11. Office Copy.

(BUKCHEM PHOM)

State Information Commissioner,
Nagaland Information Commission.

Authenticated by:

(SOYIMNA AIER KOZA)

Secretary
Nagaland Information Commission.