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

RIGHT TO INFORMATION

No. NIC/Appeal-15/2015-16 Dated Kohima, the 30th October, 2015.

Appellant: Smti. Zeneisüle Ate Loucü,
C 1/6, 2nd Floor,
Sector -52, Ardee City,
Gurgaon, Haryana – 122001,
Mobile No. 91-8415068612, 09971020809,
email: ateau@hotmail.com,

Respondent(s) : 1) Shri. Metsubo Jamir
Director & First Appellate Authority,
Rural Development,
Nagaland, Kohima.

2) Shri. Hilo Semp,
Additional Director & PIO,
Rural Development,
Nagaland, Kohima.

3) Smti. Asangla T. Aier,
Project Director & PIO,
DRDA, Dimapur, Nagaland.

4) Shri. K. Yamao Konyak,
BDO & APIO,
RD Block, Chumukedima,
Dimapur, Nagaland.

Public Authority : Directorate of Rural Development, Nagaland, Kohima.

Date of hearing : 27.10.2015 at 1:00 PM.
Date of Interim Decision : 30.10.2015.

Present:

1. Shri. Metsubo Jamir, Director & FAA, Rural Development, Nagaland, Kohima.
2. Shri. Hilo Semp, Additional Director & PIO, Rural Development, Nagaland, Kohima.
3. Smti. Asangla T. Aier, Project Director & PIO, DRDA, Dimapur, Nagaland.
4. Shri. K. Neibou Sekhose, Deputy Director(RTI), Rural Development, Nagaland, Kohima.
5. Shri. K. Yamao Konyak, BDO & APIO, RD Block, Chumukedima, Dimapur, Nagaland.

The applicant(now appellant), Zeneisüle Ate Loucü, C 1/6, 2nd Floor, Sector -52, Ardee City, Gurgaon, Haryana – 122001, Mobile No. 91-8415068612, 09971020809, email: ateau@hotmail.com did not appear for the hearing.

FACT OF THE CASE.

An applicant, Smti. Zeneisüle Ate Loucü, C 1/6, 2nd Floor, Sector -52, Ardee City, Gurgaon, Haryana – 122001, Mobile No. 91-8415068612, 09971020809, email: ateau@hotmail.com had submitted an RTI applications dated **27.02.2015** addressed to the PIO, Directorate of Rural Development, Nagaland, Kohima, Nagaland Civil Secretariat - 797003, requesting for **copies of detailed projects/schemes approved by DPB alongwith scheme utilization certificates and post office time deposits account for Industrial Village (Razhüphe), documents submitted by Dimapur, BDO for the periods of**:-

i. 2004-2005
ii. 2005-2006
iii. 2006-2007

iv. 2007-2008
v. 2008-2009
vi. 2009-2010
vii. 2010-2011
viii. 2011-2012
ix. 2012-2013
x. 2013- 31st March, 2014.

The applicant had paid the prescribed application fee of Rs. 10 (Rupees ten only) paid vide two (2) IPOs bearing No. 65C 591339 dated 27.02.2015 for Rs. 5.00 and No. 65C 591340 dated 27.02.2015 for Rs. 5.00.

And on receipt of the above RTI application dated 27.02.2015, Shri. Hilo Semp, Additional Director & PIO, Rural Development, Nagaland, Kohima had, vide letter No. DRD/ME/RTI-16/2014-15 dated **19.03.2015** transferred it to the Project Director & PIO, DRDA, Dimapur, Nagaland alongwith the following documents from 2004 till 31st March, 2014 regarding Razhü Industrial Village under Dimapur District and with a request to furnish directly to the applicant and under intimation to him on or before **10.04.2015**.

1. Fixed Deposit Certificate and Matching Cash Grant (MCG) sanction and drawal orders by VDB.
2. Sanctioned Orders and drawal of VDB Welfare Fund Scheme.
3. Detailed project schemes approved by DPB alongwith scheme utilization Certificates and post office time deposit account, documents submitted by BDO, Dimapur to the Department.
4. Sanctioned Orders and drawal of NRLM.
5. Completion of works by Industrial Village intimated to BDO that the Plan activities have been completed for the year.
6. Sanctioned Orders and drawal of MGNREGS.
7. Sanctioned Orders and drawal of GIA to VDBs (household allocation).
8. Sanctioned Orders and drawal of Micro-Finance Scheme.
9. DPRs submitted to DRDA by Industrial Village.

However, on not receiving of any information to her RTI application dated 27.02.2015 within the stipulated time frame, the applicant had preferred first appeal dated 29.04.2015 to the Director & FAA, Directorate of Rural Development, Nagaland, Kohima.

And on receipt of the first appeal dated 29.04.2015, the Director & FAA, Directorate of Rural Development, Nagaland, Kohima had, vide letter No. DRD/ME/RTI/AA-4/2014/48 dated **21.05.2015,** issued notice for hearing of the first appeal on 28.05.2015 at 12:00 PM.

After hearing of the first appeal on **28.05.2015 at 12:00 PM**, Shri. K. Neibou Sekhose, Deputy Director (RTI), Rural Development, Nagaland, Kohima had, vide letter No. DRD/ME/RTI/AA-4/2014/52 dated **01.06.2015** forwarded the information received from the Project Director & PIO, DRDA, Dimapur, Nagaland to the applicant (now appellant), which includes:-

i) the furnishing of the replies by Shri. K. Yamao Konyak, BDO & APIO, RD Block, Chumukedima, Dimapur, vide letter No. BDO/CHUMU/RTI-03/2013-14 dated 15.04.2015 to the Project Director & PIO, DRDA, Dimapur, Nagaland stating that **DPDB approvals are not granted to village schemes individually but approved to a group of villages under RD Block in the case of GIA Plans. And the list of schemes approved by DPDB in respect of Industrial (Razhuphe) Village was enclosed in a separate enclosure.**

ii) forwarding of the reply of the BDO & APIO, RD Block, Chumukedima, Dimapur by Smti. Asangla T. Aier, Project Director & PIO, DRDA, Dimapur, Nagaland, vide letter No. DRDA/DMR/RTI/2014-15 dated **May, 2015** to the Director & FAA, Directorate of Rural Development, Nagaland, Kohima for the hearing on 28.05.2015.

However, on receipt of the information on 01.06.2015 after the hearing, the applicant (now appellant) submitted a second appeal dated 28.08.2015 before the Commission stating that

the information given was **incorrect and misleading**, thereby **obstructed** in furnishing the information. Further, the applicant(now appellant) stated that PIO should be instructed to provide the information on-line with the Directorate of Rural Development, Nagaland, Kohima letter No.DRD/PLN/VDB-ALLOC-1/99-2000. Furthermore, the applicant(now appellant) had sought that:-

a. the PIO be directed to provide the information free of cost; and
b. impose penalty of Rs. 25,000.00 on the PIO for malafide denial of information.

Since the applicant(now appellant) had submitted a second appeal dated 28.08.2015 before this Commission, stating that there was no response to her RTI application dated 27.02.2015 and that the information provided in response to her first appeal dated 29.04.2015, was **incorrect and misleading**, thereby **obstructed** in furnishing the information, the Commission had decided to hear the appeal, giving opportunity to all the parties, on **27th October, 2015 (Tuesday) at 1:00 PM** in the **Hearing Room of the Nagaland Information Commission**, **Old Secretariat Complex, Kohima.**

OBSERVATIONS AND FINDINGS:

The applicant (now appellant) did not appear for the hearing on 27.10.2015 at 3:00 PM. However, the Commission had received an email dated 26.10.2015 sent by her on 27.10.2015 at 08:51 am and 09:16 am stating her inability to attend the hearing and had requested to reschedule the date of hearing within two weeks time.

The Commission observed that on receipt of the RTI application dated 27.02.2015 on **13.03.2015**, Shri. Hilo Semp, Additional Director & PIO, Rural Development, Nagaland, Kohima had transferred it to the Project Director & PIO, DRDA, Dimapur on **19.03.2015** with a request to furnish directly to the applicant and under intimation to him on or before **10.04.2015**. And on receipt of the RTI application dated 27.02.2015 by Smti. Asangla T. Aier, Project Director & PIO, DRDA, Dimapur on **24.03.2015**, she had again transferred it to the BDO & APIO, RD Block, Chumukedima, Dimapur. Shri. K. Yamao Konyak, BDO & APIO, RD Block, Chumukedima, Dimapur, had on **15.04.2015** forwarded the information to Smti. Asangla T. Aier, Project Director & PIO, DRDA, Dimapur, which she received only on **27.05.2015**. And Smti. Asangla T. Aier, Project Director & PIO, DRDA, Dimapur had produced the information during the hearing of the first appeal on **28.05.2015 at 12:00 PM**.

And after the hearing held on 28-05-2015, the Director & FAA, Rural Development, Nagaland, Kohima had, vide No. DRD/ME/RTI/AA-4/2014/51 dated 28.05.2015 passed decision on the first appeal dated 29.04.2015, stating that since some of the information sought by the applicant pertains to schemes that have already been discontinued and also owing to the change of VDB Secretaries over the 10 years span, information could not be furnished. Further, the FAA had, in its decision dated 28.05.2015 also directed the Project Director & PIO to furnish the complete information within 4 (four) days from the date of passing the decision. And in compliance to the FAA's decision dated 28.05.2015, Shri. K. Neibou Sekhose, Deputy Director (RTI), Rural Development, Nagaland, Kohima had on **01.06.2015** forwarded the information received from the Project Director & PIO, DRDA, Dimapur, Nagaland to the applicant (now appellant).

However, since the Commission had not received the decision of the FAA, a copy of the FAA's decision dated 28.05.2015 was produced before the Commission during the hearing.

During the hearing, Smti. Asangla T. Aier, Project Director & PIO, DRDA, Dimapur, Nagaland submitted that whatever information were asked had been furnished to the applicant (now appellant). Further, she also clarified that since different schemes and works were started in different periods, records of all the schemes and works may not be available for each year from 2004 to 2014. And regarding Sanction Orders, it was clarified that Sanction Orders are given or issued **block-wise** consisting of a group of villages under the RD blocks and not given or issued **village-wise** or separately against individual villages.

Shri. Hilo Semp, Additional Director & PIO, Rural Development, Nagaland, Kohima had also submitted that whatever information available with the office had been furnished to the applicant (now appellant). However, since the applicant (now appellant) alleged that the

information furnished was '*incorrect and misleading, thereby obstructed in furnishing the information'*, it is not known what information the applicant (now appellant) really wanted.

The Commission observed that as far as furnishing of information is concerned, the information had been provided to the applicant (now appellant) after the hearing of the first appeal held on 28.05.2015. However, since the applicant (now appellant) did not appear for the hearing on 27.10.2015, it was difficult to ascertain what she actually wanted.

The Commission also advised the public authority to come prepared in the next hearing with the year-wise different schemes and works which were started, implemented, completed and discontinued.

INTERIM DECISION:

On the above observations and findings, since in the absence of the applicant (now appellant), the Commission could not ascertain what she actually wanted, the Commission decided to reserve its decision for the next hearing.

And the Commission decided that in order to hear the appeal again, giving opportunity to all the parties, **particularly the applicant (now appellant),** the next hearing shall be held on **19th November, 2015 (Thursday) at 12:30 PM** in the Hearing Room of the Nagaland Information Commission, Old Secretariat Complex, Kohima.

Decision pronounced in presence of only the respondents on 27.10.2015.

Copy be given to:-

1. Shri. Metsubo Jamir, Director & FAA, Rural Development, Nagaland, Kohima, Mobile No. 9862089675.
2. Shri. Hilo Semp, Additional Director & PIO, Rural Development, Nagaland, Kohima, Mobile No. 9436000693.
3. Smti. Asangla T. Aier, Project Director & PIO, DRDA, Dimapur, Nagaland, Mobile No. 9436601102.
4. Shri. K. Yamao Konyak, BDO & APIO, RD Block, Chumukedima, Dimapur, Mobile No. 9436015041.
5. The applicant(now appellant), Smti. Zeneisüle Ate Loucü, C 1/6, 2nd Floor, Sector -52, Ardee City, Gurgaon, Haryana–122001, Mobile No. 91-8415068612, 09971020809, email: ateau@hotmail.com.
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Sd/-
KEVININO P. MERU
Chief Information Commissioner

Sd/-
BUKCHEM PHOM
State Information Commissioner

Authenticated true copy:-

(WORHONTHUNG EZUNG)
Deputy Secretary