

NAGALAND INFORMATION COMMISSION

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No. NIC/Appeal-17/2015-16

Dated Kohima, the 27th November, 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 3:30 PM.

Date of Interim Decision : 30.10.2015.

Date of Second hearing : 19.11.2015 at 1:30 PM.

Date of Second Decision : 27.11.2015.

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. 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.

The Commission had, on 27.10.2015 at 3:30 PM heard the Second Appeal dated 28.08.2015 submitted by 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, stating that there was no response to her RTI application dated 27.02.2015 regarding her request for **copies of the Sanctioned Orders and drawal of MGNREGS scheme funded for Industrial Village (Razhüphe), Dimapur VDB for the periods from 2004 to 2014** and that the information which was provided in response to her first appeal dated 29.04.2015, was **farce, shocking** and thereby **obstructed** in furnishing the information. Further, the

applicant(now appellant) stated that there seemed rampant misappropriation of MGNREGA funds, non-transparency of implementation confirming to NREGA guidelines, violation of NREGA Act, forgery and corruption/misappropriation of funds eg Muster Rolls etc.

The applicant (now appellant) did not appear for the hearing on 27.10.2015 at 3:30 PM. The Commission had received an email dated 26.10.2015 sent by the applicant (now appellant) on 27.10.2015 at 08:51 AM and 09:16 AM stating her inability to attend the hearing on 27.10.2015 at 3:30 PM and to fix the next hearing **within two weeks time**.

And after hearing the parties on 27.10.2015 at 3:30 PM, since in the absence of the applicant (now appellant) the Commission could not ascertain what she actually wanted, the Commission had passed an exparte interim decision vide even No. dated **30.10.2015**, wherein the Commission had conceded to her request and had reserved its decision for the next hearing to be held on **19th November, 2015 (Thursday) at 1:30 PM**.

OBSERVATIONS AND FINDINGS:

The applicant (now appellant) did not appear for the hearing scheduled on 19.11.2015 at 1:30 PM. and there was no prior information to the Commission regarding her absence. The Commission had waited for about **40 (forty) minutes** for the applicant (now appellant), however, since she did not turn up for the hearing, the Commission started with the hearing.

During the hearing held on 19.11.2015, Smti. Asangla T. Aier, Project Director & PIO, DRDA, Dimapur, Nagaland had submitted that on receipt of the RTI application dated 27.02.2015 on **24.03.2015** transferred from the Directorate of Rural Development, Nagaland, Kohima, she had again transferred it to the BDO & APIO, RD Block, Chumukedima, Dimapur and to the Village Council of Industrial Village Razhüphe, Dimapur.

On receipt of the RTI application dated 27.02.2015 transferred from Smti. Asangla T. Aier, Project Director & PIO, DRDA, Dimapur, Nagaland, Shri. K. Yamao Konyak, BDO & APIO, RD Block, Chumukedima, Dimapur had, vide letter No. BDO/CHUMU/RTI-03/2013-14 dated 28.03.2015 forwarded a copy of the RTI application to the BDO-cum-PO(MGNREGA), Medziphema, RD Block, Dimapur stating to furnish the information to the applicant since files have been shifted to Medziphema Block after bifurcation of Medziphema Block into Medziphema and Chumukedima Blocks. 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 had received only on **27.05.2015**.

During the hearing, Smti. Asangla T. Aier, Project Director & PIO, DRDA, Dimapur, Nagaland had informed that the Village Council of Industrial Village Razhüphe, Dimapur had summoned the RTI applicant, Smti. Zeneisüle Ate Loucü to the Industrial Village Razhüphe Council Court on 25.04.2015 and therefore had requested for keeping the RTI issue in abeyance till 25.04.2015 and substantial outcome from the village council. However, since Smti. Zeneisüle Ate Loucü had failed to appear in the Village court on 25.04.2015, another summon notice was served to her by the Village Council to appear before the Village court on 30.05.2015. Smti. Zeneisüle Ate Loucü had again failed to appear before the Village court on 30.05.2015.

Further, Smti. Asangla T. Aier, Project Director & PIO, DRDA, Dimapur, Nagaland submitted that the reason for the delay was due to the above correspondences and request of the Village Council of Industrial Village Razhüphe, Dimapur, however, the information had already been **furnished free of cost** to the applicant (now appellant).

On being asked by the Commission as to why the village council had to be involved in this case, Shri. Hilo Semp, Additional Director & PIO, Rural Development, Nagaland, Kohima explained that as per the Village Development Board (VDB) Model Rules, the VDBs which are constituted under the Village Councils are given all responsibilities for operation of funds, execution of works and schemes etc. including maintenance of proper records, and the role of the Rural Development as a facilitator only.

The Commission advised that the public authority i.e Rural Development to come out with a clear cut decision involving the Deputy Commissioners who are the Chairmen of the VDBs for better coordination.

As requested by the applicant (now appellant) vide her email dated 26.10.2015 sent on 27.10.2015 at 08:51 AM and 09:16 AM. to fix the next hearing **within two weeks time**, the Commission had conceded to her request and had reserved its decision and scheduled/notified for the next hearing on 19.11.2015 at 1:30 PM. However, **again for the second time**, neither the applicant (now appellant) nor her representative had appeared for the hearing on 19.11.2015 at 1:30 PM. without any information to the Commission, and inspite of the Commission having waited for about **40 (forty) minutes**.

The Commission observed that inspite of conceding to the request of the applicant (now appellant) to fix the next hearing **within two weeks time**, and sufficient opportunities of being heard given on 27.10.2015 and 19.11.2015, neither the applicant (now appellant) nor her representative had appeared for the hearings, and for which her views cannot be heard and the Commission could not ascertain what she actually wanted.

DECISION:

On the above observations and findings, since the applicant (now appellant) was conspicuously absent without any communication to the Commission and that all the relevant and available information had been furnished to the applicant (now appellant), the Commission had heard the appeal case **exparte** and had decided to **dispose off the case**.

Decision pronounced in presence of only the respondents on 19.11.2015.

Copy be given to:-

1. Shri. Metsubo Jamir, Director & FAA, Rural Development, Nagaland, Kohima, Mobile No. 7085190831.
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/-

BUKCHEM PHOM
State Information Commissioner

Authenticated true copy:-

(WORHONTHUNG EZUNG)
Deputy Secretary