RIGHT TO INFORMATION

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

No. NIC/Appeal-7/2015-16

Dated Kohima, the 24th June, 2015.

Appellant:	Smti. Zeneisüle Ate Loucü, C 1/6, 2 nd Floor, Sector -52, Ardee City, Gurgaon, Haryana – 122001, Mobile No. 91-8415068612, 09971020809, email: ateau@hotmail.com,
Respondent(s) :	 Shri. Metsubo Jamir Director & First Appellate Authority, Rural Development, Nagaland, Kohima. Shri. Hilo Semp, Additional Director & PIO, Rural Development, Nagaland, Kohima. Shri. Kevipodi Sophie, Project Director & PIO, DRDA, Kohima, Nagaland.
Public Authority	: Directorate of Rural Development, Nagaland, Kohima.
Date of hearing Date of Decision	: 23.06.2015 at 12:00 PM. : 24.06.2015.

Present:

- 1. Shri. Metsubo Jamir, Director & FAA, Rural Development, Nagaland, Kohima.
- 2. Shri. Hilo Semp, Additional Director & PIO, Rural Development, Nagaland, Kohima.
- 3. Shri. Kevipodi Sophie, Project Director & PIO, DRDA, Kohima, Nagaland.
- 4. Smti. T. Achila Quinker, DPO & APIO, DRDA, Kohima, Nagaland.
- 5. Smti. Avinuo Rio, BDO & APIO, Chiephobozuo, Kohima, Nagaland.
- 6. 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.

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 earlier submitted an RTI application dated <u>12.12.2014</u> addressed to the PIO, Directorate of Rural Development, Nagaland, Kohima, Nagaland Civil Secretariat - 797003, alongwith the prescribed application fee of Rs. 10 (Rupees ten only) paid vide IPO No. 17E 659358 dated 12.12.2014 requesting for <u>copies of Detailed</u> <u>Project Reports submitted to DRDA by Zhadima VDB w.e.f:</u>-

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 RTI application dated 12.12.2014 was received on <u>16.12.2014</u> by the Additional Director & PIO, Rural Development, Nagaland, Kohima as evidenced on the receipt issued to the applicant.

On receipt of the above RTI application dated 12.12.2014 on <u>16.12.2014</u>, Shri. Hilo Semp, Additional Director & PIO, Rural Development, Nagaland, Kohima had, vide letter No. DRD/ME/RTI-16/2014-15 dated <u>17.12.2014</u> transferred it to the Project Director & PIO, DRDA, Kohima, Nagaland alongwith the following documents from 2004 till 31st March,2014 regarding Zhadima Village under Chiephobouzou Block and with a request to furnish directly to the applicant and under intimation to him on or before 07.01.2015.

- i. Fixed Deposit Certificate and Matching Cash Grant (MCG) sanction and drawal orders by VDB.
- ii. Sanctioned Orders and drawal of NRLM.
- iii. Sanctioned Orders and drawal of Micro-Finance Scheme.
- iv. Detailed project schemes approved by DPB alongwith scheme utilization Certificates and post office time deposit account, documents submitted by BDO, Chiephobouzou to the Department.
- v. Sanctioned Orders and drawal of GIA to VDBs
- vi. Sanctioned Orders and drawal of MGNREGS
- vii. DPRs submitted to DRDA by Zhadima VDB.
- viii. Completion of works by Zhadima VDB intimated to BDO that the Plan activities have been completed for the year.
 - ix. Sanctioned Orders and drawal of VDB Welfare Fund Scheme.

Further, the applicant stated that the above copy was found attached to Loucü Clan Zhadima Village letter dated 15.01.2015 addressed to Mrs. Zeneisüle Ate Loucü. Besides, other documents were also enclosed.

However, on not getting any information even after the 30 days of submission of the RTI application from the concerned PIO, the applicant had preferred first appeal dated **21.01.2015** to the Director & FAA, Directorate of Rural Development, Nagaland, Kohima.

And since there was no response to her first appeal dated 21.01.2015 from the Director & FAA, Directorate of Rural Development, Nagaland, Kohima, the applicant(now appellant) had, preferred Second Appeal dated 18.04.2015 before this Commission.

The Commission had vide its directive of even No. dated 01.05.2015 directed the Director & First Appellate Authority, Rural Development, Nagaland, Kohima and the Additional Director & PIO, Rural Development, Nagaland, Kohima to submit a report of the letter No. DRD/ME/RTI-16/2014-15 dated 17.12.2014 to this Commission <u>latest by</u> <u>25th May, 2015</u>.

And in compliance to the directive of the Commission dated 01.05.2015, Shri. Metsubo Jamir, Director & FAA, Rural Development, Nagaland, Kohima had, vide letter No. DRD/ME/RTI/AA-4/2014 dated <u>07.05.2015</u> submitted a copy of the report of the letter No. DRD/ME/RTI-16/2014-15 dated 17.12.2014 alongwith 3 (three) first appeals all dated 05.03.2015, copy of decision passed by the Director & FAA vide No. DRD/ME/RTI/AA-4/2014 dated 28.04.2015, copy of file noting and several other documents to this Commission, stating that on receipt of the RTI application dated <u>12.12.2014</u> on <u>16.12.2014</u> from the applicant, Smti. Zeneisüle Ate Loucü, the Additional Director & PIO, Rural Development, Nagaland, Kohima had, vide letter No. DRD/ME/RTI-16/2014-15 dated <u>17.12.2014</u> transferred it to the Project Director & PIO, DRDA, Kohima since the matter pertain to Chiephobozou Block under Kohima District and in order to ensure speedy disposal of the information to the applicant. And the Project Director & PIO, DRDA, Kohima had, vide letter No. DRDA/002/RTI/CPU/2012/36-38 dated <u>07.01.2015</u> furnished the information to the applicant, and under intimation to the applicant by e-mail.

And regarding the documents of Loucü Clan Zhadima Village letter dated 15.01.2015 addressed to the applicant, Mrs. Zeneisüle Ate Loucü, the Director & FAA, Rural Development, Nagaland, Kohima stated that no action was taken as it was an internal matter of the Clan and within the village level and did not pertain to RTI.

Further, the Director & FAA, Rural Development, Nagaland, Kohima informed that the above applicant had submitted <u>three (3) appeals</u> all dated <u>05.03.2015</u> addressed to the Director & FAA dated <u>05.03.2015</u> which were received by the public authority on <u>17.03.2015</u> stating that the following information provided were <u>misleading and</u> <u>incorrect</u>.

- i. Detailed project/schemes approved by DPB alongwith scheme utilization Certificates and post office time deposit account, documents submitted by BDO, Chiephobouzou to the Department during 2004-2014.
- ii. Sanctioned Orders and drawal of MGNREGS provided for Zhadima VDB during 2004-2014.
- iii. Fixed Deposit Certificate and Matching Cash Grant (MCG) sanction and drawal orders for Zhadima VDB during 2004-2014.

On receipt of the above appeals, the Director & FAA had, vide letter No. DRD/ME/RTI/AA-4/2014 dated <u>19.03.2015</u> fixed a hearing on <u>31.03.2015</u>. However, the applicant(now appellant) had, by email dated <u>30.03.2015</u> submitted that <u>since she had</u>

been threatened of dire consequences by the Village Chairman of Zhadima Village if she attended the hearing, she had requested the FAA for deferment of the hearing for four (4) weeks where she would appear through an authorised person. And accordingly, the Director & FAA had, vide letter No. DRD/ME/RTI/AA-4/2014/44 dated <u>06.04.2015</u> deferred the hearing to <u>28.04.2015 at 12:00 PM</u> allowing the appellant to appear through an authorised person on the condition that authorisation letter should be produced.

And after hearing of the first appeal on **28.04.2015 at 12:00 PM**, the Director & FAA had, vide letter No. DRD/ME/RTI/AA-4/2014/44 dated **28.04.2015** passed a quasijudicial decision stating that inspite of the Director & FAA graciously accepting the request of the applicant(now appellant) for deferment of the hearing and allowing an authorised representative, neither the applicant(now appellant) nor her authorised representative had turned up for the hearing on 28.04.2015. Instead, a messenger was sent with a written argument against her appeal without citing any reasons for her inability to attend the hearing summoned by the Director & FAA. Further, the Director & FAA submitted that even though ample time had been given to the applicant(now appellant) to present her case before the FAA and clarify her complaints, the applicant(now appellant) had been misleading both the Department as well as the Commission through her different communications. Also that the applicant(now appellant) had disregarded the concessions showed by the FAA, and hence had requested the Commission to close the case.

However, the applicant had preferred a second appeal dated 18.04.2015 before the Nagaland Information Commission enclosing <u>another additional RTI application dated</u> 12.12.2014 regarding seeking copies of Fixed Deposit Certificate and Matching Cash Grant (MCG) sanctioned and drawal orders for Zhadima Village by VDB for the <u>periods from 2004 to 2014</u> and, stating that there was no response or information from the Director & FAA, Rural Development, Nagaland, Kohima to her first appeal dated 21.01.2015, which was submitted against the non- furnishing of information by the PIO, Rural Development, Nagaland, Kohima to her RTI application dated 12.12.2014. Therefore, the Commission had decided to hear the appeal, giving opportunity to all the parties, on 23rd June, 2015 (Tuesday) at 12:00 PM in the Hearing Room of the Nagaland Information Commission, Old Secretariat Complex, Kohima.

OBSERVATIONS AND FINDINGS:

During the hearing, the Commission observed that there was some confusion since the same applicant had filed 9 (nine) different RTI applications, all dated 12.12.2014 and five (5) First Appeals to the same public authority. And on being asked as to why the applicant had filed the 9 (nine) RTI applications instead of in a single application, the applicant submitted that as she had experienced in Delhi in the past, in order to avoid the possibility of some queries being skipped or missed, the queries were asked in separate RTI applications.

Shri. Hilo Semp, Additional Director & PIO, Rural Development, Nagaland, Kohima had also submitted that the confusions could have been avoided, had the applicant filed all the nine (9) queries in a single RTI application since the information sought were all pertaining to Zhadima Village.

The applicant(now appellant) had submitted that out of the 9 (nine) different RTI applications, since she was satisfied with the information and reply to three (3) RTI applications, she did not file any appeal. However, to the remaining six (6) RTI applications, since she had received unsatisfactory information, she had filed a total of five (5) first appeals i.e 2 (two) first appeals dated 21.01.2015 and 3 (three) first appeals dated 05.03.2015. The applicant(now appellant) had appealed against RTI application No. 1 and No. 9 combined in a single appeal.

During the hearing, the applicant(now appellant) submitted that she had not received any information to her RTI application dated 12.12.2014 regarding the <u>copies of Detailed Project Reports submitted to DRDA by Zhadima VDB from 2004 to 2014</u>. The applicant(now appellant) had also submitted that there was no response or information from the Director & FAA, Rural Development, Nagaland, Kohima to her first appeal dated <u>21.01.2015</u>, which was submitted against the non-furnishing of information to her RTI application dated 12.12.2014. Further, referring to the decision of the FAA dated 28.04.2015 which was passed pertaining to the other first appeals, the applicant(now appellant) submitted non-satisfaction with the decision of the FAA dated 28.04.2015 since the FAA had illegally, malafidely and contrary to the provisions of the RTI Act rejected her appeal merely on the ground that the applicant was not present during the hearing.

Shri. Metsubo Jamir, Director & FAA, Rural Development, Nagaland, Kohima also submitted that the First Appeals were rejected on the ground that when the public authority wanted to discuss personally by calling for a hearing in two occasions, the applicant(now appellant) had failed to appear in both the two hearings. Further, instead the applicant(now appellant) had submitted a Written Argument through a representative without any authorisation.

The Commission observed that the PIO, DRDA, Kohima had not furnished any information to the applicant and also that the Director & FAA had not heard nor taken any decision on the First Appeal dated 21.01.2015 since the FAA's decision dated **28.04.2015** was NOT on the First Appeal dated 21.01.2015, but on the other 3 (three) First Appeals dated 05.03.2015 pertaining to other cases.

The Commission also noted the threat on her life as expressed by the applicant (now appellant) during the hearing and had advised that if any threat is perceived, to bring it to the notice of the Commission with sufficient evidence.

DECISION:

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

- since the First Appeal dated 21.01.2015 was not heard, the Director & FAA, Rural Development, Nagaland, Kohima shall hear the case at a convenient date of both the parties i.e. the public authority and the applicant(now appellant) and submit its decision to the Commission on or before the <u>14th August, 2015</u>.
- 2. the applicant(now appellant) is advised to attend the hearing when the Director & FAA, Rural Development, Nagaland, Kohima schedules the date of hearing

of her First Appeal dated 21.01.2015 and further directs the applicant(now appellant) to inform the Commission should any threat on her life is perceived on the day of the hearing.

Decision pronounced in presence of all parties present on 23.06.2015.

Copy be given to:-

- 1. Shri. Metsubo Jamir, Director & FAA, Rural Development, Nagaland, Kohima, Mobile No. 9436601002.
- 2. Shri. Hilo Semp, Additional Director & PIO, Rural Development, Nagaland, Kohima, Mobile No.9436000693.
- 3. Shri. Kevipodi Sophie, Project Director & PIO, DRDA, Kohima, Mobile No. 9436005096.
- 4. Smti. T. Achila Quinker, DPO & APIO, DRDA, Kohima, Mobile No. 9436009166.
- 5. Smti. Avinuo Rio, BDO & APIO, Chiephobozuo, Kohima, Mobile No. 9436016610.
- 6. 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.
- 7. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
- 8. Office Copy.

Sd/-KEVININO P. MERU Chief Information Commissioner

Sd/-BUKCHEM PHOM State Information Commissioner

Authenticated true copy:-

(WORHONTHUNG EZUNG) Under Secretary