

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-9/2015-16

Dated Kohima, the 24th June, 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) Shri. Kevipodi Sophie,
Project Director & PIO,
DRDA, Kohima, Nagaland.

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

Date of hearing : 23.06.2015 at 1:30 PM.

Date of Decision : 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 **12.12.2014** 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 659359 dated 12.12.2014 requesting for **copies of completion of works by Zhadima Village VDB, intimated to BDO that the Plan activities have been completed** for the year:-

- 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 **16.12.2014** 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 **16.12.2014**, Shri. Hilo Semp, Additional Director & PIO, Rural Development, Nagaland, Kohima had, vide letter No. DRD/ME/RTI-16/2014-15 dated **17.12.2014** 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.

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 further, on not getting any response or information to her first appeal dated 21.01.2015 from the Director & FAA, Directorate of Rural Development, Nagaland, Kohima, the applicant(now appellatant) had, preferred Second Appeal dated 18.04.2015 before this Commission stating that information was not provided without any reasons amounting to denial of information.

Since the applicant had preferred a second appeal dated 18.04.2015 before the Nagaland Information Commission, 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, the Commission had decided to hear the appeal, giving opportunity to all the parties, on **23rd June, 2015 (Tuesday) at 1:30 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 **copies of completion of works by Zhadima Village VDB, intimated to BDO that the Plan activities have been completed for the year 2004 to 2014.** 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 **21.01.2015**, 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 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. And 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:-

1. 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 **14th August, 2015.**
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