

**NAGALAND INFORMATION COMMISSION
OLD SECRETARIAT COMPLEX
POST BOX NO. 148
NAGALAND
KOHIMA – 797001**

No./NIC/Compln-45/2010

Dated Kohima, the 24th June, 2010

Complainant : **Shri R. Paphino Ex-MLA, Kohima DCC
Office Congress Bhavan, Kohima.**

Respondent : **Department of Rural Development,
Public Authority** : **Nagaland , Office of the Director,
Rural Development, Kohima, Nagaland.**

Date of Hearing - **9.6.2010**
Date of Decision - **24.6.2010**

Present - **1. Shri V.Sakhrie, Commissioner & Secretary, Rural
Development, Nagaland, Kohima.
2. Shri Metsübo Jamir, Director, R.D. Nagaland, Kohima.
3. Public Information Officer and Joint Director, R.D.
Kohima, Nagaland.
4. Shri R. Paphino, Ex. MLA, Kohima, Nagaland.**

FACTS

The Commission received a complaint under Section 18 of the RTI Act 2005 from Shri R. Paphino Ex-MLA, Kohima on 28.5.2010 stating that he had submitted application seeking information under RTI addressed to the Public Information Officer, Directorate of Rural Development, Nagaland on 15.4.2010 according to NREGA operational guidelines but the PIO has not furnished the information sought till date.

Shri R. Paphino in his RTI application submitted to the PIO, Directorate of Rural Development, Nagaland on 15.4.2010 sought the following information in conformity with NREGA Operational guidelines, 2008 section 11. 1. 2

1. Actual Payee Receipts (APRs) relating to MGNREG programme of all the Village VDBs under each RD Block of all the villages in Nagaland.
2. The APRs to be provided is specifically against each scheme/project of all the villages under each block in Nagaland for the year 2008-2009 and 2009-2010 respectively.

The PIO and Joint Director Shri C. Puro on 19.4.2010 vide his letter No. DRD/RTI-14/06 addressed to the PIOs and Project Director DRDAs Kohima, Mon, Mokokchung, Peren, Dimapur, Phek, Tuensang, Longleng, Kiphire, Wokha, Zunheboto with Photocopy of the RTI application dated 15.4.2010 of Shri R. Paphino, requested them to furnish the information sought directly to the applicant, with intimation to him.

The applicant Shri R. Paphino Vide his letter of 22.4.2010 complained to the Director (Appellate Authority) Rural Development that the PIO was trying to shift responsibility to the District Project Director instead of furnishing the information sought and requested the Director to initiate appropriate action to conform to RTI provisions. This was reiterated in his letter dated 4.5.2010 to the Director, RD, adding that he would not accept replies to his RTI query coming directly from the District Project Director and that the PIO, RD Directorate should arrange the information/documents for collection by the applicant.

Shri R. Paphino in the complaint submitted to the Commission on 28.5.2010, stated that -

he had sought RTI information under NREGA guidelines to give the information within 7 days whereas the RD Department failed to furnish even after lapse of 34 days:

he had sought NREGA RTI information relating to APRs of all NREGA Projects of all the villages in Nagaland, but the PIO of RD Directorate directed the Project Directors of the Districts to furnish information directly to the applicant thereby shirking his responsibility;

after his complain letter to Director on 4.5.2010, the Office agreed to furnish the required documents in time but it was not complied with by the Directorate;

He therefore approached the Commission take up the matter as the issue seriously involves the plight and interest of the public and villages.

During the hearing on 9.6.2010, Shri Metsubo Jamir Director, Rural Development informed that the PIO Shri C. Puro had since retired and no PIO had been designated in the Directorate. He submitted that there are many RTI applications addressed to the PIO of the RD Directorate relating to information in respect of DRDAs and RD Blocks and requested that they may kindly be enlightened as to how to deal with those procedurally.

The applicant submitted that they are collecting information about NREGA for the whole State, which in a consolidated form is sought from the PIO of the Directorate of RD Department, Kohima, and not piecemeal from each District/DRDA. He stated that in the case of Peren DRDA the documents were brought to him by an unauthorized person.

Shri Metsubo clarified that consolidated records relating to NREGA are available in the Directorate but village wise details are kept only at the RD Block level Offices, that the records of funds credited to the VDB accounts can be put on CDs for consolidation, that projects/schemes selected by villages/VDBs out of Perspective Plan are executed through muster roll works according to respective funds allocated. He informed that a specimen Muster Roll would be shown to the Commission the next day.

Shri Paphino submitted that APR or proof of payment made scheme/project wise, village wise with signature of recipient village in a consolidated form for the whole State is sought.

The Commission note that the NREGS 2006 has provisions for mandatory record keeping, Information to be disclosed Suo Moto/Voluntarily and Information to be

disclosed on demand, with its own time frame which are administered by the Department concerned.

In this case, the information was sought in RTI Application and complaint having been submitted to the Commission under provisions of RTI Act 2005, the provisions of the RTI Act 2005 will prevail.

There are PIOs designated under the RTI Act 2005 by the Public Authority in the establishments under its jurisdiction. A Public Information Officer on receipt of RTI Application can either resort to Section 6 (3) if the Information sought relates to another Public Authority or to Section 5 (4) (5) if the PIO has to seek assistance from any other Officer of the Department as he or she considers necessary.

In this case, it is the PIO of the Directorate who had received the RTI application and for the PIO to furnish the Information sought, after collecting the same from his superiors/ colleagues or subordinates as the case may be. Instead, the PIO had directed the other PIOs of the DRDAs in the District to furnish information direct to the applicant which does not fall within provision of Section 6 (3) or section 5 (4) (5). As per Section 7 (9) of the Act, an information shall ordinarily be provided in the form in which it is sought unless it would disproportionately divert the resources of the public authority or would be detrimental to the safety or preservation of the record in question.

DECISION

The Commission therefore direct the PIO of the Directorate of Rural Development, Nagaland, Kohima to furnish the Information sought to the applicant free of cost, within 15 (fifteen) days from the date of pronouncement of this decision, under intimation to the Commission.

This complaint will be disposed off only after compliance of the Commission directive.

Pronounced in open proceedings today.

Copy be given to the Parties.

Copy be sent to

1. Commissioner & Secretary, Rural Development, Nagaland, Kohima.
2. Director, Rural Development, Nagaland, Kohima.

Sd/- P. TALITEMJEN AO, IAS (Rtd)
Chief Information Commissioner
Nagaland

Sd/- Rev. Dr. W.PONGSING KONYAK,
State Information Commissioner
Nagaland

Sd/- Dr. KUHOI K. ZHIMOMI,
State Information Commissioner
Nagaland

Authenticated by:

Under Secretary,
Nagaland Information Commission, Kohima.