

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

No.NIC/Appeal-2/2013-14/

Dated Kohima, the 18th June, 2013

Appellant:

Shri. Irangbui Hingleu,
Director,
Legacy Explorers,
Mid-Night Market Complex,
Jalukie-797110, Peren, Nagaland.

Respondent

Project Director & PIO, DRDA, Peren.

Public Authority:

Director & FAA, Rural Development,
Nagaland, Kohima.

Date of hearing

18.06.2013

Date of issue of final order

18.06.2013

Present:

1. Shri Metsubo Jamir, Director & FAA,
Rural Development , Nagaland,
Kohima
2. Smt Linda Solo, Project Director &
PIO DRDA, Peren, Nagaland.
3. Shri K. Neibou Sekhose, Dy. Director,
Rural Development, Kohima.

The appellant was not present.

Facts of the case

Shri. Irangbui Hingleu, Director, Legacy Explorers, Mid Night Market Complex, Jalukie-797110, Peren, Nagaland filed an RTI application on **27th March, 2012** to the Project Director and PIO, DRDA, Peren seeking information on the following:-

- (i) Photocopy of Bank Account Pass-book showing latest 3 months transactions.

- (ii) Photocopy of latest Sanction Order/letter from the Ministry of Rural Development, Government of India or DDO of the State.
- (iii) Latest Budget break-ups, clearly showing all budget heads in CD format only, including NREGA, PMGSY, SGSY, DRDA, NRLM and sub-heading such as projects given to individual or VDB indicating name of project and sanctioned amount.

The appellant, Shri. Irangbui Hingleu did not attend the hearing and had simply submitted a letter withdrawing his complaint to the Commission on **15th June, 2013.**

The appellant, thereafter, filed the first appeal before the Director & FAA, Rural Development on 20.11.2012 on the grounds of the Project Director & PIO, Peren **NOT** furnishing the required information within the **“Time limit”**, which is correct according to records and statement of the Project Director & PIO, Peren. As per the records, the Director & FAA, Rural Development did not take up any hearing as he ought to have been done but had vide letter No.DRD/ME/RTI-2/09(RTI)/343 dated **4.12.2012** addressed to the Project Director & PIO, Peren to furnish the information within 15 days from the date of the receipt of his letter. This is not the correct way to attend to first appeals.

The applicant thereupon filed a second appeal before the Nagaland Information Commission on **29.04.2013** since she had not received any information from the Project Director & PIO, DRDA, Peren nor had any response been received from the Director & FAA, Rural Development to the first appeal filed on 20.11.2012. This first appeal was filed after 409 days after the expiry of time frame within which the PIO ought to have furnished the information sought.

The Commission also received the second appeal much beyond the stipulated admissible time frame but had admitted the complaint of the appellant on the grounds of the appellant being from a rural area and who may therefore not be too conversant with *provision* of the RTI Act, 2005 and fixed 18.06.2013 at 1:00 PM as the date and time of hearing.

The Project Director & PIO, DRDA, Peren and the Director & FAA, Rural Development appeared for the hearing whereas the appellant who had **submitted** letter of **withdrawal** of his complaint on 15.06.2013 was **not** present.

FINDINGS:

After detailed questioning of the Project Director & PIO, DRDA, Peren and the Director & FAA, Rural Development, the following facts came to light:-

- (i) As per the information furnished by the appellant vide his withdrawal letter dated 15.06.2013, the appellant had actually received the information on two occasions namely on **12.05.2013** and on **15.06.2013**. However, only a copy of the forwarding letter addressed to the appellant vide letter DRDA/PRN/RTI-1/2013-14 sent by Programme Officer, MGNREGA, DRDA, Peren was available on the records of the Commission. No copy of letter issued by the Department on 15.06.2013 furnishing information to the appellant was available on file.
- (ii) Information was also furnished by the Project Director & PIO, DRDA, Peren after a lapse of 379 days counted from the due date without giving any reasonable cause for the delay.

The Project Director & PIO, DRDA, Peren had also failed to act on the directions given by the Director & FAA, Rural Development on 04.12.2012 to furnish the information sought within 15 days of the receipt of the letter.

The appellant had also filed a **conditional withdrawal letter** which needs **elaboration** and **clarification**.

INTERIM DECISION

In view of the position elaborated above, the following interim order is hereby passed:-

- (i) The Project Director & PIO, DRDA, Peren shall file an affidavit to the effect that the information sought by the appellant was actually furnished to the appellant only on **12.05.2013** and on **15.06.2013** within a week.
- (ii) Copy of letter forwarding the information on 15.06.2013 shall also be produced by the Project Director & PIO, DRDA, Peren within a week.
- (iii) The appellant, Shri. Irangbui Hingleu shall also clarify the conditions stipulated in his withdrawal letter dated 15.06.2013.

The final hearing is scheduled for **01.08.2013 at 1:00 P.M.**

Interim Decision pronounced in the presence of the Project Director & PIO, DRDA, Peren and the Director & FAA, Rural Development.

Copy to be given to the :-

1. Shri Metsubo Jamir, Director & FAA, Rural Development, Nagaland, Kohima
2. Smt. Linda Solo, Project Director & PIO, DRDA, Peren, Nagaland.
3. Shri. Irangbui Hingleu, Director, Legacy Explorers, Mid-Night Market Complex, Jalukie-797110, Peren, Nagaland.

(LALHUMA) IAS (Rtd)
Chief Information Commissioner,
Nagaland, Kohima

(BUKCHEM PHOM)
State Information Commissioner,
Nagaland, Kohima