

NAGALAND INFORMATION COMMISSION

AGRI FARM COLONY, LANE-6, H/NO. AFC/578

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No. NIC/Appeal-1/2021-22

Dated Kohima, the 23rd August, 2021

- Appellants : i) Shri. Mark (Advocate)
ii) Shri. Sangso Naga
iii) Shri. Talimeren
iv) Shri. Kevepfolo Venuh
v) Shri. Ekham
vi) Shri. S. Kez,
New Secretariat,
Kohima, Nagaland,
Mobile No. 8787453710.
- Respondents : i) The Director & FAA,
Directorate of Rural Development, Kohima, Nagaland.
ii) The Addl. Director & PIO,
Directorate of Rural Development, Kohima, Nagaland.
iii) The Joint Director & APIO,
Directorate of Rural Development, Kohima, Nagaland.
- Public Authority : Directorate of Rural Development, Kohima, Nagaland.
- Date of hearing : **11.08.2021.**
Date of decision : **23.08.2021.**

Present:

1. Smti. Liboni Humtsoe, Director & FAA, Directorate of Rural Development Department, Kohima, Nagaland.
2. Smti. Azenuo Pienyii, Addl. Director & PIO, Directorate of Rural Development, Kohima, Nagaland.
3. Shri. K. Neibou Sekhose, Joint Director & APIO, Directorate of Rural Development, Kohima, Nagaland.

Did not appear for hearing:

1. The applicants (now appellants), Shri. Mark (Advocate) & Party.

FACTS OF THE CASE

The Commission had received a Second Appeal addressed to the State CIC, Nagaland, Kohima dated **13.11.2020** from Shri. Mark (Advocate) & Party, New Secretariat, Kohima, Nagaland, Ph. No. 8787453710 for non-response of the Public authority to their RTI application dated **14.08.2020 received by the Public Authority on the same date** and subsequent First Appeal dated **15.09.2020**.

The applicants (now appellants), Shri. Mark (Advocate) & Party, had initially submitted an RTI application dated **14.08.2020** addressed to the PIO/APIO, Directorate of Rural Development, Kohima, Nagaland, seeking the following information:

- i) *Kindly furnish the year wise sanction order received from the GOI starting from 2008 to 2020 (Prepared list).*
- ii) *Kindly furnish the total amount been deducted under 40% as VIP share i.e. year wise 2008 to 2020 (Prepared list).*
- iii) *Furnish the details list of names of receipts under Mob-Deduction (Prepared list).*
- iv) *Is the above Mob-Deduction being carried out under the purview of the guidelines? (MGNREGAS).*
- v) *Furnish the detail Mob-Deduction log book maintained by the BDO's (Xerox copy).*
- vi) *Mob-Deduction for 40% is in question?*
Meanwhile out of 327 crore released by the GOI where Rs. 191 has been already released by the State Govt. to the Department Account against (MGNREGAS) on 31st May, 2020.

How did it utilize?

- a) *Furnish the District / Block wise break up allocation of fund for 191 crore. State the nature of work order for which the works were implemented.*
- b) *Furnish the detail completion certificate duly countersigned by the VDB Secretaries and BDO's of the Block concern.*
- c) *Total No. of days allotted of 11 Districts for Rs. 191 crore for 2020 (Prepared list).*
- d) *BDO's receipt registered maintained Log Book for Mob-Deduction (Xerox copy).*
- e) *Furnish a copy of the FTO order issued against Rs. 191 Crores for 11 Districts.*

Moreover, it is learnt from a reliable sources that deduction of 50% has been carried out for the year 2020 Financial Year. This new system of introduction for deduction of 50% from wages is totally advertent to the guidelines (MGNREGAS) provided by the Central Ministry.

Therefore, your esteemed authority is requested to substantiate this matter with proper justification by your Department. Mob-deduction of 50% is in question?

Since there was no response from the Public Authority even after a lapse of **60 (sixty) days** till the date of submission of the Second Appeal dated **13.11.2020** to this Commission, the Commission on receipt of the Second Appeal, had vide letter of **No.NIC/Gen/RTI-19/17 dated 14.12.2020** directed the Director & FAA, Rural Development, Nagaland, Kohima to hear the First Appeal within **45(forty five) days** from the date of receipt of the Directive since the First Appeal was not heard.

In compliance to the Directive of the Commission dated **14.12.2020**, the First Appeal hearing was conducted on **04th February (Thursday), 2021 at 12.20 P.M.** at the Directorate of Rural Development, Nagaland, Kohima. Accordingly, the Director & FAA, after hearing the parties i.e., the applicants (now appellants) and the PIO/APIO concerned and passed decision vide Order **NO. DRD/RTI-AA-9/2019-19 dated 04.02.2021** stating that, inability to furnish the information on time was due to compilation from all the Districts and the pandemic in place limiting the Staffs and Officers from physical interaction, hence, the delay was not intentional. The Director & FAA directed the respondent to furnish the information to the applicant within **7 (seven) days** period i.e, on or before **11th February, 2021**.

Further, on receipt of an application dated **03.03.2021** from one of the applicants (now appellants), Shri. Sason Naga stating that the information furnished to them were completely irrelevant and intentionally ignored even after the above decision/order of the FAA, the Commission has decided to hear the above mentioned appeal giving opportunity of being heard to all the parties on **11th August, 2021 (Wednesday) at 12:00 P.M in the Hearing Room of Nagaland Information Commission, Agri-farm Colony, Lane-6, H/No. AFC/578, Nagaland, Kohima.**

OBSERVATIONS AND FINDINGS

The applicants (now appellants), Shri.Mark (Advocate) & Party did not appear for the hearing and the appeal case was heard **ex parte** in the presence of the respondents, Smti. Liboni Humtsoe, Director & FAA, Directorate of Rural Development, Kohima, Nagaland, Smti. Azenuo Pienyii, Addl. Director & PIO and Shri. K. Neibou Sekhose, Joint Director & APIO.

During the hearing, one, Shri. Wilson K. Mongzar had submitted an application dated NIL on behalf of the applicants (now appellants) in reference to the Commission's hearing notice of even No. dated **27.07.2021** for withdrawal of the Appeal dated **13.11.2020** stating that the respondents have now furnished to them all the information as sought for to their satisfaction. But since Shri. Wilson K. Mongzar's name was officially not found in the above mentioned RTI application dated **14.08.2020** or First Appeal dated **15.09.2020** or the Second Appeal dated **13.11.2020**, Shri. Wilson K. Mongzar claiming to have replaced Shri. Sangso Naga after the expiry of Sangso but could not produce any documental proof. The Commission therefore decided that, the hearing shall not be conducted with the person who is not the applicant and also declared the withdrawal application as invalid.

DECISION

On the above observations and findings, the Commission has decided that:

1. Since the person who had submitted the application of withdrawal of Second Appeal was not a valid applicant (appellant), the right person should submit the same to the FAA with a copy to the Commission. And during the submission of the application, all the information furnished to the applicants (now appellants) should also be submitted by the FAA to the Commission.
2. The FAA shall obtain the confirmation of satisfaction/non-satisfaction of the information so furnished as sought for from the applicants (now appellants) in writing within 2(two) weeks from the date of receipt of this decision and submit a copy to this Commission.

On receipt of the compliances to the above mentioned decision, the Commission shall declare this appeal case closed.

Further, Shri. Wilson K. Mongzar, who was present during the hearing and submitted the application for withdrawal of the Second appeal on behalf of the applicants (now appellants) was reprimanded not to repeat such acts in the future.

Decision pronounced in presence of only the respondents on **11.08.2021**.

Copy be given to:

1. Smti. Liboni Humtsoe, Director & FAA, Directorate of Rural Development, Kohima, Nagaland.
2. Smti. Azenuo Pienyii, Addl. Director & PIO, Directorate of Rural Development, Kohima, Nagaland.
3. Shri. K. Neibou Sekhose, Joint Director & APIO, Directorate of Rural Development, Kohima, Nagaland.
4. The applicants (now appellants), Shri. Mark (Advocate) & Party, New Secretariat, Kohima, Nagaland, Ph. No. 8787453710.
5. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
6. Office Copy.

Sd/-
(KEVIZATUO MIACHIEO)
State Information Commissioner

Sd/-
(G.H.RAMLIA)
State Information Commissioner

Authenticated true copy:-

(OBANGLA JAMIR)
Secretary
Nagaland Information Commission