

# NAGALAND INFORMATION COMMISSION

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

POST BOX NO. 148

NAGALAND, KOHIMA-797001

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No. NIC/Appeal-1/2021-22

Dated Kohima, the 06<sup>th</sup> April, 2022

Subject: Closing Order of Appeal Case.

WHEREAS under section 19 of the Right to Information Act, 2005, the Nagaland Information Commission had received an appeal dated **13.11.2020** from Shri. Mark (Advocate) & Party, New Secretariat, Kohima – 797001, Nagaland, Mobile No. 8787453710 for non-response of the Public authority to their RTI application dated **14.08.2020 received by the Department on the same date.**

AND WHEREAS, 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 Department, 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 31<sup>st</sup> 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?

AND WHEREAS, 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 had vide letter of **No. NIC/Gen/RTI-19/17 dated 14.12.2020** directed the Director & FAA, Rural Development Department, 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.

AND WHEREAS, in compliance to the Directive of the Commission dated **14.12.2020**, the First Appeal hearing was conducted on **04<sup>th</sup> February (Thursday), 2021 at 12.20 P.M.** at the Directorate of Rural Development Department, Nagaland, Kohima. Accordingly, the Director & FAA, after hearing the parties i.e., the applicant (now appellant) 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 **11<sup>th</sup> February, 2021.**

AND WHEREAS, the applicants (now appellants) had submitted an application dated **03.03.2021** stating that even after the hearing of the First appeal, the information furnished to them were completely irrelevant and intentionally ignored.

AND WHEREAS, since the Commission is not satisfied and convinced with 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 **11<sup>th</sup> 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.**

AND WHEREAS, after the hearing on **11<sup>th</sup> August, 2021 (Wednesday)**, the Commission had passed decision vide **even No. dated 23.08.2021**, wherein the FAA shall obtain 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 the decision and submit a copy to the Commission.

AND WHEREAS, in compliance to the decision of the Commission of **even No. dated 23.08.2021**, the applicants (now appellants) had submitted their satisfaction to the Commission vide their letter dated **16.09.2021** and received by the Commission on **17.03.2022**.

*In view of the pandemic situation during the period, the Commission had condoned penalty on the erring parties and cautioned the public authority not to repeat such acts in the future.*

NOW THEREFORE, it is notified to all the parties that the appeal case is hereby declared as **closed.**

1. Director & First Appellate Authority, Directorate of Rural Development Department, Nagaland, Kohima-797001.
2. Smti. Azenuo Pienyii, Addl. Director & PIO, Directorate of Rural Development, Nagaland, Kohima-797001.
3. Shri. Neibou Sekhose, Joint Director & APIO, Directorate of Rural Development Department, Nagaland, Kohima-797001.
4. The applicant (now appellant), Shri. Mark (Advocate) & Party, New Secretariat, Kohima, Nagaland, Ph. No. 8787453710.

Sd/-

**KEVIZATUO MIACHIEO**

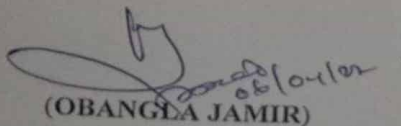
State Information Commissioner

Dated Kohima, the 06<sup>th</sup> April, 2022

No.NIC/APPEAL-1/2021-22 /1520

Copy to:

1. The PPS to the Chief Information Commissioner, Nagaland Information Commission for kind information of the CIC.
2. The PA to the State Information Commissioner (K), Nagaland Information Commission for kind information of the SIC (K).
3. The PA to the State Information Commissioner (R), Nagaland Information Commission for kind information of the SIC (R).
4. The Director & First Appellate Authority, Directorate of Rural Development Department, Nagaland, Kohima-797001.
5. Smti. Azenuo Pienyii, Addl. Director & PIO, Directorate of Rural Development, Nagaland, Kohima-797001.
6. Shri. K. Neibou Sekhose, Joint Director & APIO, Directorate of Rural Development Department, Nagaland, Kohima-797001.
7. The applicants (now appellants), Shri. Mark (Advocate) & Party, New Secretariat, Kohima, Nagaland - 797001, Ph. No. 8787453710.
8. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
9. Office Copy.

  
(OBANGLA JAMIR)

Secretary

Nagaland Information Commission