

**NAGALAND INFORMATION COMMISSION**  
**AGRI-FARM COLONY, LANE-6, H/NO. AFC-587**  
**NAGALAND, KOHIMA-797001**

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No. NIC/APPEAL-1/2022-23

Dated Kohima, the 13<sup>th</sup> June, 2022

Appellant : Shri. Wongtokiu

Respondents : (i) Smti. Liboni Humtsoe,  
Director & First Appellate Authority,  
Directorate of Rural Development,  
Nagaland, Kohima.

(ii) Smti. Azenuo Pienyu,  
Addl. Director & PIO,  
Directorate of Rural Development,  
Nagaland, Kohima.

(iii) The Project Director & PIO,  
DRDA, Tuensang – 798612

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

Date of first hearing : 11.05.2022 at 11:30 AM.

Date of first Decision : 13.05.2022.

Date of second hearing : 08.06.2022 at 11:30 AM.

Date of second Decision : 13.06.2022.

Present:

1. Smti. Liboni Humtsoe, Director & FAA, Directorate of Rural Development, Nagaland, Kohima, Mobile No. 8413825319.
2. Smti. T. Achila Quinker, Project Director & PIO, DRDA, Tuensang, Mobile No. 9862940628.
3. Shri. S. Lakiumong Yimchunger, BDO & APIO, RD Block, Chessore, Mobile No. 9862872731.
4. Smti. Y. Hijila, Programme Officer (MGNREGA) & APIO, RD Block, Shamator, Mobile No. 7085983616.
5. Smti. Akhrienuo Zehol, BAPO, DRDB Directorate of Rural Development, Nagaland, Kohima, Mobile No. 8414098171.
6. Representative of the Appellant, Shri. Kielie Nakhro, Advocate, Upper A. G. Colony, Kohima, Mobile No. 8014214292.

The following **did not** appear for the hearing.

7. Smti. Azenuo Pienyu, Addl. Director & PIO, Directorate of Rural Development, Nagaland, Kohima, Mobile No. 9436001443.
8. The applicant (now the appellant), Shri. Wongtokiu, H. No. 19A(II), Upper A.G. Colony, Near SBI, Lerie Branch, Kohima, Nagaland, M/No. 8132919480 / 8014214292.

**FACT OF THE CASE**

The Commission had, on 11.05.2022 at 11:30 AM heard the Second Appeal dated NIL submitted by Shri. Wongtokiu, H. No. 19A(II), Upper A.G. Colony, Near SBI, Lerie Branch, Kohima, Nagaland, Mobile No. 8132919480 / 8014214292 against the non response of the PIO & Project Director, DRDA, Tuensang even after a lapse of 60(sixty) days inspite of the Director & First Appellate Authority, Rural Development decision dated 03.12.2021, to his first appeal dated 02.11.2021 which was submitted against the non response of the PIO & Project Director, DRDA, Tuensang even after a lapse of **35(thirty five) days**, to his RTI application dated 27.09.2021.

After the hearing on 11.05.2022 at 11:30 AM, the Commission had passed decision vide even No. dated 13.05.2022. In compliance to the **Point No.1** of the decision of the Commission

dated 13.05.2022, the remaining information for Shamator and complete information for Chessore were furnished to the applicant(now appellant).

However, no compliances have been received for **Point No. 2** and **Point No. 3** of the Commission decision vide of even No. dated 13.05.2022 till the date of issue of the notice for the second hearing. Also since the Commission had taken a serious view regarding the non-appearance of the Project Director & PIO, DRDA, Tuensang in the hearing without any prior intimation or reason to the Commission, the Commission has again decided to hear from the Project Director & PIO, DRDA, Tuensang and BDO, Chessore giving them opportunity of being heard on **08<sup>th</sup> June, 2022 (Wednesday) at 11:00 A.M in the Hearing Room of Nagaland Information Commission, Agri-farm Colony, Lane-6, H/No. AFC/578, Nagaland, Kohima** and had also directed the parties to bring the files and relevant documents in question for scrutiny, and to appear before the Commission on the above date and time for hearing, with preventive measures such as wearing of facemask and social distancing etc.:-

1. The Director & First Appellate Authority, Directorate of Rural Development, Nagaland, Kohima.
2. The Addl. Director & PIO, Directorate of Rural Development, Nagaland, Kohima-797001.
3. The Project Director& PIO, DRDA, Tuensang - 798612.
4. The Block Development Officer, Chessore and Shamator.
5. The applicant (now appellant), Shri. Wongtokiu, H. No. 19A(II), Upper A.G. Colony, Near SBI, Lerie Branch, Kohima, Nagaland, Mobile No. 8132919480 / 8014214292.

### **OBSERVATIONS AND FINDINGS:**

The Commission observed that in compliance to **Decision No. 1** of its decision dated 13.05.2022 and after the first hearing held on 11.05.2022, Shri. T. Takutoshi Jamir, APIO & DPO, DRDA, Tuensang had, vide letter No. DRDA/TSG/RTI-1(Pt-II)/2014-15/439-39 dated 19.05.2022 forwarded the information in respect of RD Block, Shamator and Chessore to the Addl. Director & PIO, RD Blocks, Nagaland which were received from Smti. Y. Hijila, Programme Officer (MGNREGA), RD Block, Shamator vide letter No. RDB/SMTR/TRI-1/2020-21 dated 16.05.2022 and from Shri. S. Lakiumong Yimchunger, P.O. MGNREGA, RD Block, Chessore, vide letter No. RDB/CSSR/RTI/2007-08 dated 19.05.2022.

The Director & FAA informed that after FAA hearing held on 30.11.2021 and decision on 03.12.2021, Smti. Azenuo Pienyu, Additional Director & PIO, Directorate of Rural Development, Nagaland, Kohima had, vide letter No. DRD/ME/RTI-25/2020-21 dated 07.12.2021 written to the applicant to collect the information from the RTI Cell during office hours. Further, the Director & FAA stated that after the last hearing held on 11.05.2022, she had called for a meeting with the BDOs and in compliance to the decision of the Commission dated 13.05.2022, Smti. Azenuo Pienyu, Additional Director & PIO, Directorate of Rural Development, Nagaland, Kohima had, vide letter No. DRD/RTI-AA-11/2021-22 dated 25.05.2022 wrote to the applicant to come and collect the complete information which were **re-furnished** by both the blocks of Shamator and Chessore, but the applicant did not come to collect. On 02.06.2022, the RTI Cell had also telephonically informed the applicant to collect but the applicant replied that he would send an authorised person to collect the information, however, no one came to collect the information.

During the hearing, the Representative of the Appellant, Shri. Kielie Nakhro, submitted that he had received the information for Shamator and is satisfied except that the documents were not certified copies but only photocopies, whereas, no information regarding Chessore was received. He also informed that the applicant was out of station and hence could not collect the information.

The complete information which includes that of Shamator and Chessore was produced before the Commission during the hearing and handed over to the representative of the applicant (now appellant), Shri. Kielie Nakhro, Advocate. In compliance to **Decision No. 2**, he expressed his satisfaction with the complete information, however he desired that certified copies would be furnished.

During the hearing, Smti. T. Achila Quinker, Project Director & PIO, DRDA, Tuensang submitted that she received the RTI application dated 27.09.2021 through Whatsapp on 28.09.2021 which was transferred by Smti. Azenuo Pienyu, Additional Director & PIO, Directorate of Rural Development, Nagaland, Kohima vide letter No. DRD/ME/RTI-25/2020-21 dated 28.09.2021, she however, stated that she could not remember the date when she had transferred the RTI application to the BDOs of Shamator and Chessore.

Shri. S. Lakiumong Yimchunger, BDO & APIO, RD Block, Chessore, stated that he received the RTI application on **03.10.2021**. Since the information sought was for a period of 10 years, he had requested the applicant for sometime, however, the applicant went ahead and submitted first appeal before the FAA.

Smti. Y. Hijila, Programme Officer (MGNREGA) & APIO, RD Block, Shamator, also stated that she received the RTI application on **03.10.2021**.

Both the above BDOs of Shamator and Chessore submitted that after the first appeal hearing held on 30.11.2021, the information was forwarded, without any covering letter directly to the Additional Director & PIO, Directorate of Rural Development, Nagaland, Kohima on **13.12.2021**, for onward furnishing to the applicant.

The Commission observed that on receipt of the information from both the blocks on 13.12.2021, the complete information was furnished to the applicant (now appellant), however, the representative of the applicant (now appellant), Shri. Kielie Nakhro, Advocate had collected it only on 12.04.2022. It appeared that there was miscommunication between the applicant and his representative, and the applicant filed first appeal stating that no information for Chessore was ever received.

The Commission further observed that there was considerable delay in furnishing the information to the applicant (now appellant) contributed by the two BDOs. From the date of receipt of the RTI application from the PD & PIO, DRDA, Tuensang on 03.10.2021, to the date of furnishing the information on 13.12.2021, and considering the 30 days time for the PIO to furnish the information, there was delay of forty one (41) days each for which penalty was attracted.

In compliance to **Decision No. 3** of its decision dated 13.05.2022, Smti. T. Achila Quinker, Project Director & PIO, DRDA, Tuensang had, vide letter No. DRDA/TSG/RTI-1 (Pt-II)/2014-15/509-512 dated 06.06.2022, tendered her apology regarding her absence in the hearing on 11.05.2022 at 11:30 AM which was due to miscommunication and delayed receipt of the Hearing Notice.

### **DECISION:**

On the above observations and findings, under Section 20 (1) of the RTI Act 2005, the Commission had decided to impose penalty on Smti. Y. Hijila, Programme Officer (MGNREGA), RD Block, Shamator and Shri. S. Lakiumong Yimchunger, P.O. MGNREGA, RD Block, Chessore for contributing to the delay of **forty one (41) days each** at the rate of Rs. 250/- per day of delay amounting to **Rs. 10,500/-** (Rupees ten thousand and five hundred only) each in furnishing the information to the applicant (now appellant) without reasonable cause.

The above penalty amount of **Rs. 10,500/- each** shall be deposited into the Government account through **treasury challan** in favour of the Accounts Officer, Nagaland Information Commission, Kohima under the Head of Account given below, with a copy of the **treasury challan** (in original) to this Commission:-

0070 - Other Administrative Services  
60 - Other Services  
118 – Receipts under RTI Act, 2005

The above compliance shall be submitted to this Commission **within fifteen (15) days** from the date of issue of this decision.

On receipt of the above penalty, the Commission shall close the case, since the representative of the applicant (now appellant), Shri. Kielie Nakhro, Advocate had expressed satisfaction with the information.

Decision pronounced in the presence of both the parties on 08.06.2022 at 11:30 AM.

Copies be given to:-

1. Smti. Liboni Humtsoe, Director & FAA, Directorate of Rural Development, Nagaland, Kohima.
2. Smti. Azenuo Pienyu, Addl. Director & PIO, Directorate of Rural Development, Nagaland, Kohima.
3. Smti. T. Achila Quinker, Project Director & PIO, DRDA, Tuensang.

4. Smti. Y. Hijila, Programme Officer (MGNREGA), RD Block, Shamator for necessary action.
5. Shri. S. Lakiumong Yimchunger, P.O. MGNREGA, RD Block, Chessore for necessary action.
6. The Accounts Officer, Nagaland Information Commission, Kohima.
7. The applicant (now appellant), Shri. Wongtokiu, H. No. 19A(II), Upper A.G. Colony, Near SBI, Lerie Branch, Kohima, Nagaland, M/No. 8132919480 / 8014214292.
8. Office Copy.

**(I. MEYIONEN JAMIR)**  
**Chief Information Commissioner**

**(G. H. RAMLIA)**  
**State Information Commissioner**

**(KEVIZATUO MIACHIEO)**  
**State Information Commissioner**