

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 13th May, 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 hearing : 11.05.2022 at 11:30 AM.

Date of Decision : 13.05.2022.

Present:

1. Smti. Liboni Humtsoe, Director & FAA, Directorate of Rural Development, Nagaland, Kohima, Mobile No. 8413825319.
2. Smti. Azenuo Pienyu, Addl. Director & PIO, Directorate of Rural Development, Nagaland, Kohima, Mobile No. 9436001443.
3. Shri. K. Neibou Sekhose, Joint Director & APIO, Directorate of Rural Development, Nagaland, Kohima, Mobile No. 9436000365.
4. Smti. Akhrienuo Zehol, BAPO, DRDB Directorate of Rural Development, Nagaland, Kohima, Mobile No. 8414098171.
5. Shri. Wongtokiu, H. No. 19A(II), Upper A.G. Colony, Near SBI, Lerie Branch, Kohima, Nagaland, M/No. 8132919480 / 8014214292.
6. Representative of the Appellant, Shri. H. Mukam, Advocate, Mobile No. 897488785.

The Project Director & PIO, DRDA, Tuensang – 798612 **did not** appear for the hearing.

FACT OF THE CASE

An applicant, Shri. Wongtokiu, had submitted an RTI application dated **27.09.2021** addressed to the PIO, Directorate of Rural Development, Nagaland, Kohima, alongwith an application fee of Rs. 10/- seeking the following information:

- i) *Funds allocated under GIA (Grant in Aid) Village wise in Shamator and Chessore Block from 2010 till date (with list of beneficiaries).*
- ii) *Funds allocated under MCG (Matching Cash Grant) Village wise in Shamator and Chessore Block from 2010 till date (with list of beneficiaries).*
- iii) *Funds allocated under SGSY Scheme Village wise in Shamator and Chessore Block from 2010 till date (with list of beneficiaries).*
- iv) *Funds allocated under NREGS Village wise in Shamator and Chessore Block from 2010 till date (with list of beneficiaries).*
- v) *Additional funds allocated under various Schemes which has not been mentioned above Village wise in Shamator and Chessore Block from 2010 till date (with list of beneficiaries).*

On receipt of the above RTI application dated 27.09.2021, the Additional Director & PIO, Directorate of Rural Development, Nagaland, Kohima had, vide letter **NO.DRD/ME/RTI-25/2020-21 dated 28.09.2021** transferred the above RTI application dated 27.09.2021 to the PIO & Project Director, Tuensang with a request to furnish the information directly to the applicant. However, since there was no response from the PIO & Project Director, DRDA, Tuensang even after a lapse of **35(thirty five) days**, the applicant had filed a First Appeal dated **02.11.2021** addressed to the Appellate Authority, Directorate of Rural Development.

On receipt of the above mentioned first appeal dated 02.11.2021, the Director & FAA, Directorate of Rural Development, Nagaland, Kohima had, vide letter **NO.DRD/ME/RTI AA-10/2020-21 dated 12.11.2021** issued a Notice for Hearing to be held on **30.11.2021**. After hearing the parties on **30.11.2021**, the Director & FAA had, **vide Order No. DRD/ME/RTI AA-10/2020-21 dated 03.12.2021** passed a decision directing the Project Director & PIO, DRDA, Tuensang to furnish the information **within 15(fifteen) days ie. on or before 15.12.2021**. Further, during the first appeal hearing, the Project Director & PIO, DRDA, Tuensang stated that since the information sought for was of enormous period, the information could not be provided on time. Further, the BDO, Chessore also supplemented that some files were mislaid for which the office had some inconveniences to gather the information.

However, since there was no response from the PIO & Project Director, DRDA, Tuensang even after a lapse of 60(sixty) days inspite of the Director & FAA, Rural Development decision dated 03.12.2021, the applicant had submitted a Second Appeal dated **NIL** to this Commission.

On receipt of the Second Appeal dated **NIL on 01.02.2022**, the Commission had, vide letter **No. NIC/Gen/RTI-19/17(Vol-II) dated 16.03.2022** directed the Director & FAA, Rural Development, Nagaland, Kohima to submit a copy of the decision of First Appeal hearing within **2(two) weeks** from the date of receipt of the Directive for further necessary action. In compliance to the directive of the Commission dated **16.03.2022**, the Director & FAA had, vide letter dated **30.03.2022** which was received by the Commission on 13.04.2022, submitted the decision on the First Appeal hearing informing that the information was prepared but the applicant has not yet collected it.

However, since the Commission was not satisfied and convinced with the above decision/order of the FAA, the Commission had decided to hear the above mentioned second appeal, giving opportunity of being heard to all the parties on 11th May, 2022 (Wednesday) at 11:30 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, limiting to **only 2 (two) persons from each party:-**

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 applicant (now appellant), Shri. Wongtokiu, H. No. 19A(II), Upper A.G. Colony, Near SBI, Lerie Branch, Kohima, Nagaland, *M/No. 8132919480 / 8014214292*.

OBSERVATIONS AND FINDINGS:

The Commission took 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.

Smti. Azenuo Pienyu, Addl. Director & PIO, Directorate of Rural Development, Nagaland, Kohima informed that the Project Director & PIO, DRDA, Tuensang could not come for the hearing since she had to attend an important meeting in Delhi. She further submitted that whatever information received from the Project Director & PIO, DRDA, Tuensang, has been furnished on 12.04.2022 and which was collected by one Shri. Kelie Nakhro.

During the hearing, the applicant (now appellant) submitted that since he resides at Noklak, he had requested his friend, Shri. Kelie Nakhro to collect the information. He had received the information however, the information was incomplete and hence not satisfied.

Regarding **Query No. 1** of his RTI application dated 27.09.2021, pertaining to GIA (Grant-in-Aid), the applicant(now the appellant) stated that he did not receive any information for Chessore, however he had received the information for only Shamator on 12.04.2022 but not satisfied since the list of beneficiaries were not furnished.

Shri. K. Neibou Sekhose, Joint Director & APIO, Directorate of Rural Development, Nagaland, Kohima explained that the funds under Grants-in-Aid (GIA) are given to the Village Development Boards (VDBs) through the respective Deputy Commissioners and not to individual beneficiaries, since under the scheme, the beneficiaries are the village and not the individuals.

Smti. Liboni Humtsoe, Director & FAA, Directorate of Rural Development, Nagaland, Kohima also added that the department do not receive the sanction since the grant is given village-wise/ VDB-wise. She also submitted that whatever information received from the Project Director & PIO, DRDA, Tuensang had been furnished to the applicant.

The applicant(now the appellant) submitted that the information received for Shamator was incomplete since there was no information for the period 2017-18, and whereas no information for Chessore was received.

The Commission also perused the copy of the forwarding letter of the Project Director & PIO, DRDA, Tuensang which was produced in the hearing, however, no details of information or documents given were mentioned and hence unable to ascertain whether information pertaining to Chessore was also given or included.

Regarding **Query No. 2** of his RTI application dated 27.09.2021, pertaining to Matching Cash Grant, the applicant(now the appellant) stated that he had not received any information for Shamator for 2010 to 2017, and no information was received for Chessore at all.

Regarding **Query No. 3** of his RTI application dated 27.09.2021, pertaining to SGSY, the applicant(now the appellant) stated that he had received information for only Shamator for 2012-13, but not from 2014 to 2020; moreover, no information for Chessore was ever received.

The Director & FAA, Directorate of Rural Development, Nagaland, Kohima clarified that the Directorate of Rural Development has discontinued implementing the SGSY Scheme in 2012-13 but the scheme is now implemented by the Nagaland State Rural Livelihood Mission (NSRLM).

The Commission observed that the PIO should have mentioned while giving the reply to the applicant in order to avoid any misgivings.

The Director & FAA, apologised for not mentioning about the discontinuation of the SGSY scheme in the letter to the applicant(now appellant).

Query No. 4 regarding funds allocated under NREGS, the applicant(now appellant) stated that no information for Shamator for the periods 2010-11 and 2011-2012 were received, and no information for Chessore at all.

Query No. 5, regarding additional funds allocated under various Schemes which has not been mentioned above Village wise, the applicant(now appellant) stated that he did not receive any information.

Smti. Azenuo Pienyu, Addl. Director & PIO, Directorate of Rural Development, Nagaland, Kohima submitted that since there is no such additional funds, no information could be provided.

Smti. Liboni Humtsoe, Director & FAA, Directorate of Rural Development, Nagaland, Kohima requested the Commission that the complete information shall be resubmitted to the applicant(now appellant).

DECISION

In view of the above submissions and observations, the Commission decided that:-

1. Since the information was furnished after the expiry of the 30 days time limit, the Project Director & PIO, DRDA, Tuensang shall furnish the complete information, including that of Chessore, **free of cost within 15 (fifteen) days** from the date of receipt of this decision to the applicant (now appellant) and with a copy to this Commission.

2. On receipt of the information, the applicant (now appellant) shall submit satisfaction or non-satisfaction to the Commission **within 15 (fifteen) days** from the date of receipt of the information.
3. The Project Director & PIO, DRDA, Tuensang shall submit to the Commission regarding her absence in the hearing within **within 15 (fifteen) days** from the date of receipt of this decision.

On receipt of the above compliances, the Commission shall hear the case again in the presence of the Project Director & PIO, DRDA, Tuensang and the BDO, Chessore in the next hearing which shall be notified later.

Decision pronounced in the presence of both the parties on 11.05.2022 at 11:30 AM.

Copies be given to:-

1. Smti. Liboni Humtsoe, Director & FAA, Directorate of Rural Development, Nagaland, Kohima;
2. The Project Director & PIO, DRDA, Tuensang;
3. The BDO, Chessore;
4. The applicant (now appellant), Shri. Wongtokiu.
5. Office Copy.

(I. MEYIONEN JAMIR)
Chief Information Commissioner

(G. H. RAMLIA)
State Information Commissioner

(KEVIZATUO MIACHIEO)
State Information Commissioner