

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

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No. NIC/APPEAL-3/2022-23

Dated Kohima, the 24th May, 2022

Appellants : i) Shri. Keduo Wetsah
ii) Shri. Supong Jamir

Respondents : (i) Smti. Tosheli Zhimomi,
Director & First Appellate Authority,
Directorate of Social Welfare,
Nagaland, Kohima.

(ii) The concerned PIO,
Directorate of Social Welfare,
Nagaland, Kohima.

Public Authority : Directorate of Social Welfare, Nagaland, Kohima.

Date of hearing : 11.05.2022 at 2:00 PM.

Date of Decision : 24.05.2022.

Present:

1. Smti. Tosheli Zhimomi, Director & FAA, Directorate of Social Welfare, Nagaland, Kohima, NPCC, Mobile No. 943601908.
2. Smti. Arila Sangtam, Legal Consultant, representing the Directorate of Social Welfare, Nagaland, Kohima, Mobile No. 8787524971.
3. The applicants (now appellants), Shri. Keduo Wetsah, NPCC, Mobile No. 9436001640/8258004137 & Shri. Supong Jamir, NPCC, Mobile No. 9856468005.

The concerned PIO, Directorate of Social Welfare, Nagaland, Kohima **did not** appear for the hearing.

FACT OF THE CASE

Two applicants, Shri. Keduo Wetsah and Shri. Supong Jamir had jointly submitted an RTI application **No. NPCC/PGD-1/2021-22/3** dated **08.04.2021** addressed to the PIO, Department of Social Welfare, Nagaland, Kohima, seeking the following information with regard to NIRBHAYA fund for One Stop Centres (Sakhi) w.e.f 2015-16 till date:

- i) *Total Sanction amount received from GOI (photocopy of Sanction letter).*
- ii) *Total Sanction amount received from Government of Nagaland State Share(photocopy of Sanction letter).*
- iii) *Furnish in detail name of Contractors/Firms.*
- iv) *Furnish photocopy of Work Orders.*
- v) *Provide M.B.No. and Bill Voucher.*
- vi) *Furnish Actual Payment Receipt (APRs).*
- vii) *Provide one photography of each project (building along with symbol).*
- viii) *Furnish the Completion Certificate.*
- ix) *Provide Last Audit Statement.*

On receipt of the above RTI application, the PIO, Directorate of Social Welfare had on 02.09.2021 furnished information to the applicant, however, since the information so furnished to him was **incomplete and unsatisfactory**, the applicant had, vide **No. NPCC/PGD-1/2021-22/22** dated **14.09.2021** filed First Appeal addressed to the FAA, Department of Social Welfare and which received by the Department on the same date. However, since there was no response from the Public Authority, Directorate of Social Welfare even after the First Appeal Hearing by the FAA, the

applicants (now appellants) had filed the Second Appeal dated **15.12.2021** to the Commission which was received on the same date.

On examination of the case, the Commission had, vide letter **No.NIC/GEN/RTI-19/17(Vol-I)** dated **03.02.2022** directed the Director & FAA, Social Welfare, Nagaland, Kohima to furnish the complete information **within 2(two) weeks** from the date of issue of the directive since the information sought are not covered under the *Section 8 of the RTI Act, 2005*. In compliance to the Commission's directive, the Director & FAA had, vide letter **No. SW/RTI/NIC/2022/1425** dated **21.02.2022** informed the Commission that the department had issued to all concerned DCs by letter No. SW/RTI/NIC/1346 dated 09.02.2022 to furnish the complete information and that the districts had accordingly furnished the required information to the appellant.

The Commission had also issued a letter **No.NIC/GEN/RTI-19/17(Vol-I)** dated **13.04.2022** to the applicants (now appellants) to confirm satisfaction / non-satisfaction of the information so furnished by the Public Authority in compliance to the Commission's directive of dated **03.02.2022**.

However, on receipt of the information, the applicants (now appellants), had submitted an Appeal **No. NPCC/PGD-1-41-2022-2023** dated **21.04.2022** and received by the Commission on **22.04.2022**, expressing their non-satisfaction of the replies of the Public Authority.

Since the Commission is not satisfied and convinced with the above action of the FAA, the Commission had decided to hear the above mentioned appeal giving opportunity of being heard to all the parties on **11th May, 2022 (Wednesday) at 3:00 P.M in the Hearing Room of Nagaland Information Commission, Agri-farm Colony, Lane-6, H/No. AFC/578, Nagaland, Kohima** and **also directed to bring the files and relevant documents** in question for scrutiny on the above date and time for hearing. The following under mentioned officials were requested to attend the hearing with preventive measures such as wearing of face mask and social distancing etc. ***Only 2 (two) persons from each party will be allowed with strict protocol.***

1. The Director & First Appellate Authority, Directorate of Social Welfare, Nagaland, Kohima-797001.
2. The PIO, Directorate of Social Welfare, Nagaland, Kohima-797001.
3. The applicant (now appellant), Shri. Keduo Wetsah & Shri. Supong Jamir, NPCC, M/No. 9436001640 / 8258004137.

OBSERVATIONS AND FINDINGS:

The Commission took a serious view regarding the non appearance of the PIO in the hearing without any prior intimation or reason to the Commission.

The applicant stated that he had submitted RTI application dated 02.08.2021 and had received information from the PIO on 02.09.2021, however, the information were incomplete and unsatisfactory.

Regarding **Query No. 1**, the applicants (now appellants) stated that no information regarding Sanction Order from the GoI was received.

During the hearing, Smti. Tosheli Zhimomi, Director & FAA, Directorate of Social Welfare, Nagaland, Kohima clarified that under the scheme, the amount is sanctioned by the Ministry of Women and Child Development directly to the Deputy Commissioners and hence the department does not have the knowledge or information. All execution of works are done by the respective Deputy Commissioners.

Regarding **Query No. 2**, the Director & FAA, submitted that the scheme was 100% Central Share and no State Share, and the funds are directly sent to the respective DCs for execution of the scheme/project by the respective DCs, hence there is no question of Sanction Orders from the Government of Nagaland.

Regarding **Query No. 3**, The Director & FAA informed that constructions were done by the Engineering Wing i.e. PWD (Housing) in the respective DCs, hence no contractor is involved.

However, in some districts, works are done through contractors. It was also learnt that Kohima and Dimapur were done by contractors.

However, the applicants (now appellants) stated that out of 11 districts, 7 district completed, whereas Mokokchung, Phek, Zunheboto, and Longleng had not completed.

Query No. 4, the applicants (now appellants) stated that they had received the Work Orders and was **satisfied**.

However, the applicants (now appellants) pointed out that as per RTI reply, the total sanctioned amount was Rs. 5,78,62275, whereas, during the Legislative Assembly Starred Question No. 6 held on 16.12.21, it was revealed that the amount sanctioned by the Ministry of Women and Child Development was Rs. 11,36,20,880. Hence, there is difference in the amounts sanctioned for which clarification was sought.

Query No. 5, regarding MB Nos. and Bill vouchers, the Director & FAA stated that since the department does not execute the scheme/project, no records are available or maintained by the department and hence cannot be furnished.

However, MBs and vouchers in respect of Kohima and Zunheboto districts had been received from the concerned DCs and the applicants (now appellants) had expressed **satisfaction** with the information.

Query No. 6, the applicants (now appellants) stated that he did not receive any APR except for Kohima and Zunheboto.

Query No. 7, regarding photographs of each project, the Director & FAA submitted that photos of only completed buildings were furnished.

Query No. 8, the applicants (now appellants) stated that he did not receive any Completion Certificates.

Query No. 9, the applicants (now appellants) stated that he did not receive any last Audit Statement.

Since the department does not implement the NIRBHAYA Fund for One Stop Centre (Sakhi) as the funds are directly sanctioned to the Deputy Commissioners, the Commission observed that the department should have transferred the RTI application to the respective DCs.

DECISION

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

1. Since some information were furnished after the expiry of the 30 days time limit, the PIO, Directorate of Social Welfare, Nagaland, Kohima shall furnish the following information, **free of cost and within 20 (twenty) days** from the date of receipt of this decision to the applicants (now appellants) and with a copy to this Commission.
 - i) *Query No. 1 – copies of Sanction Orders received from the GoI.*
 - ii) *Query No. 2 – No State Share, hence does not arise.*
 - iii) *Query No. 3 – information as sought to be furnished.*
 - iv) *Query No. 4 – satisfied, however, clarification in the difference in the amounts be given.*
 - v) *Query No. 5 – since the MBs and vouchers in respect of Kohima and Zunheboto were satisfied, the desired information for the remaining districts be collected from respective DCs and be furnished.*
 - vi) *Query No. 6 – to collect the APRs (Actual Payment Receipts) from the DCs and furnish to the applicants.*
 - vii) *Query No. 7 – the photographs of the buildings, whether completed or ongoing for the remaining districts.*
 - viii) *Query No. 8 – to collect the Completion Certificates from the DCs and furnish to the applicants.*
 - ix) *Query No. 9 – the last Audit Statement, if done.*

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 PIO, Directorate of Social Welfare, Nagaland, Kohima shall submit to the Commission regarding his/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 concerned PIO, Directorate of Social Welfare, Nagaland, Kohima in the next hearing which shall be notified later.

Decision pronounced in the presence of both the parties on 11.05.2022 at 2:00 PM.

Copies be given to:-

1. Smti. Tosheli Zhimomi, the Director & FAA, Directorate of Social Welfare, Nagaland, Kohima, Mobile No. 943601908.
2. The concerned PIO, Directorate of Social Welfare, Nagaland, Kohima.
3. The applicants (now appellants), Shri. Keduo Wetsah, NPCC, Mobile No. 9436001640/ 8258004137 & Shri. Supong Jamir, NPCC, Mobile No. 9856468005.
4. Office Copy.

(I. MEYIONEN JAMIR)
Chief Information Commissioner

(G. H. RAMLIA)
State Information Commissioner

(KEVIZATUO MIACHIEO)
State Information Commissioner