

## NAGALAND INFORMATION COMMISSION

Agri-Farm Colony, Lane-6, H/No. AFC-578

Nagaland, Kohima-797001

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No. NIC/Appeal-14/2022-23

Dated Kohima, the 16<sup>th</sup> July, 2022

Subject: **Notice for Hearing on 28<sup>th</sup> July, 2022 (Thursday) at 01:30 P.M.**

WHEREAS, the Commission had received a Second Appeal dated **17.12.2020** on **17.12.2020** from Shri. **Mudonyi Shijoh** of Dzulha Village, Phek, Shri. **Thuyesacho Swuro** of T. Tsese Village, Phek, and Shri. **Muzilhu V. Keyho** of Suthozu Nasa, Phek against unsatisfactory action of the Director & FAA, Rural Development, Nagaland to their first appeal dated **28.08.2020**, which was submitted against the BDO & APIO, RD Block, Sekruzu, Phek, Nagaland to their RTI application dated **10.08.2020**.

AND WHEREAS, the applicants, Shri. Mudonyi Shijoh, Shri. Thuyesacho Swuro, and Shri. Muzilhu V. Keyho, had submitted an RTI application dated **10.08.2020** along with application fee of Rs. 10/- only seeking the following information on the implementation and utilization of MGNREGS and NRLM during 2016-2020:

1. *Photo copy of sanction order for materials component & wage component (all villages under Sekruzu Block).*
2. *Photo copy of supply order issued to contractor/firm, copy of materials (all villages under Sekruzu Block).*
3. *Photo copy of cash memo against each material purchased (all villages under Sekruzu Block).*
4. *Photo copy of APR against each payment received by contractor/firm on materials supplied (all villages under Sekruzu Block).*
5. *Photo copy of receipt of materials by respective VDB Secretaries under Sekruzu Block.*
6. *Photo copy of receipt of materials by respective VDB Secretaries under Sekruzu Block.*
7. *Photo copy of convergent order sanction with detail breakup of the fund.*
8. *Photo copy of yearly sanction order for NRLM Scheme.*
9. *Documentary proof of implementation and utilization of NRLM fund each financial year.*
10. *Photo copy of APR by respective NRLM beneficiary under Sekruzu Block.*

AND WHEREAS, on receipt of the above RTI application, Shri. Japra Swuro, APIO, RD Block, Sekruzu, Phek had, vide letter No. **RDB/SKZ/RTI/2016-17** dated **11.08.2020** wrote to the VDB Secretaries under RD Block, Sekruzu to furnish information under MGNREGA pertaining to 2016-2020 at Sl. No. 03 and further directed to submit the approximate expenditure/cost of paper @ Rs. 5/- per page (A4) on or before **21.08.2020** without fail.

AND WHEREAS, the applicants had submitted first appeal dated **28.08.2020** addressed to the FAA & Project Director, Office of the DRDA, Phek stating that the concerned PIO had refused to give any receipt of the RTI application received and had failed to furnish the information though Section 13.8.2 of the Operational Guidelines 2013 (4<sup>th</sup> Edition) of the MGNREGA, 2005 states that “Requests for copies of Mahatma Gandhi NREGS-related documents submitted under Mahatma Gandhi NREGA shall be complied with within three days. No information shall be withheld by invoking Clause 8 of the RTI Act. All Mahatma Gandhi NREGA-related information is in the public domain.”

AND WHEREAS, Shri. Japra Swuro, APIO, RD Block, Sekruzu, Phek had, vide letter No. **RDB/SKZ/RTI/2013-14** dated **06.10.2020** furnished the information to the applicants along with the replies from the following village councils wherein it was resolved not to reply to **Query No. 3**: -

1. *Village Council, Runguzu Nasa.*
2. *Village Council, Runguzu Nawe.*

3. Village Council, Suthozu Nasa.
4. Village Council, Suthozu Nagwu.
5. Village Council, Chozuba.
6. Village Council, Yoruba.
7. Village Council, Ruzazho.
8. Village Council, New Ruzazho.
9. Village Council, Thurutsuswumi.
10. Village Development Board, Dzulhami.
11. Village Council, Thuvopisu.
12. Village Council, Phuhgimi.
13. Village Council, Khutsami.
14. Village Council, Khusomi.

AND WHEREAS, the applicants had on **09.12.2020** also wrote to the PIO, Office of the Project Director, DRDA, Phek seeking the following points under Section 6 of the RTI Act, 2005 enclosing Rs. 10/- : -

- i. *Incomplete documents enclosed.*
- ii. *Photo copy of cash payment register.*
- iii. *Photo copy of BDO and VDB's joint withdrawal cheque.*
- iv. *Photo copy of detail statement (office).*
- v. *Photo copy of Bank statement.*
- vi. *Photo copy of convergence is a found and unreadable.*

AND WHEREAS, the applicants had on **17.12.2020**, filed Second Appeal stating that incomplete information was furnished by the public authority and that the information pertaining to **Query No. 3** of their RTI application was denied in an apparent "organized and readymade" objection letters from the village councils under RD Block, Sekruzu.

AND WHEREAS, on receipt of the second appeal, the Commission had, vide letter **No. NIC/Gen/RTI-19/17 (Vol-I)/1267** dated **16.01.2021** directed the FAA to hear the first appeal within 45 days.

AND WHEREAS, in compliance to the directive of the Commission, the Director & FAA had, vide letter **No. DRD/RTI-AA-9/2018-19** dated **25.02.2021** passed decision stating that the applicants were not satisfied with the information received and that photocopies of documents provided to them were unreadable. Therefore, the FAA further directed the APIO, RD Block, Sekruzu to write to the concerned VDBs to provide the complete information sought by the applicants on **Query No. 3** along with clear photocopies of documents **within 15 days** from the date of issue of the hearing decision, i.e., on or before **17.03.2021**.

AND WHEREAS, since the applicants were not satisfied with the reply of the FAA, the Commission has decided to hear the above mentioned second appeal giving opportunity of being heard to all the parties on **28<sup>th</sup> July, 2022 (Thursday) at 01:30 P.M in the Hearing Room of the Nagaland Information Commission, Agri-Farm Colony, Lane-6, H/No. AFC/578, Nagaland, Kohima.**

NOW THEREFORE, the following parties are directed to appear before this Commission and **also to bring the files and relevant documents** in question for scrutiny on the above date and time for hearing.

1. The Director & First Appellate Authority, Directorate of Rural Development, Nagaland, Kohima.
2. Shri. Razukhru D. Vasa, Project Director & PIO, DRDA, Phek, Nagaland.
3. Shri. Japra Swuro, former BDO & APIO, RD Block, Sekruzu, Phek, Nagaland.
4. Shri. Citsoru Vasa, BDO & present APIO, RD Block, Sekruzu, Phek, Nagaland.
5. The applicant (now appellants), Shri. Mudonyi Shijoh, Shri. Thuyesacho Swuro, and Shri. Muzilhu V. Keyho.

Sd/- **I. MEYIONEN JAMIR**  
Chief Information Commissioner  
Nagaland

**No. NIC/Appeal-14/2022-23**

**Dated Kohima, the 16<sup>th</sup> July, 2022**

Copy to:

1. The PA to the Chief Information Commissioner, Nagaland Information Commission for kind information of the CIC.
2. The Director & FAA, Directorate of Rural Development, Nagaland, Kohima.
3. Shri. Razukhru D. Vasa, Project Director & PIO, DRDA, Phek, Nagaland.
4. Shri. Japra Swuro, former BDO & APIO, RD Block, Sekruzu, Phek, Nagaland.
5. Shri. Citsoru Vasa, BDO & present APIO, RD Block, Sekruzu, Phek, Nagaland.
6. The applicants (now appellants), Shri. Mudonyi Shijoh (Ph. No. 8787379773), Shri. Thuyesacho Swuro (Ph. No. 8837029595), and Shri. Muzilhu V. Keyho (9436680697).
7. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
8. Office Copy.

**(WORHONTHUNG EZUNG)**

Deputy Secretary  
Nagaland Information Commission