

**NAGALAND INFORMATION COMMISSION**  
**AGRI-FARM COLONY, LANE-6, H/NO. AFC-578**  
**NAGALAND, KOHIMA-797001**

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No. NIC/APPEAL-10/2022-23

Dated Kohima, the 3<sup>rd</sup> August, 2022

Appellant : Shri T. Ruovi  
M/No. 7630899734.  
C/o. Kuda 'B' Sub-post Office, Nagarjan.

Respondents : (i) Smti. Liboni Humtsoe,  
Director & First Appellate Authority,  
Directorate of Rural Development,  
Nagaland, Kohima-797001.

(ii) Smti. Azenuo Pienyu  
The Addl. Director & PIO,  
Directorate of Rural Development,  
Nagaland, Kohima-797001.

(iii) Shri. H. Atokhe Aye,  
Former Project Director & PIO,  
DRDA, Dimapur - 798612.

(iv) Shri. Kethosituo Sekhose,  
Present Project Director & PIO,  
DRDA, Dimapur – 798612.

(v) Smti. Sashirenla,  
APIO & BDO,  
RD Block, Chumukidema.

Public Authority : District Rural Development Agency, Dimapur, Nagaland.

Date of hearing : 29/07/2022 at 12:00 Noon  
Date of Decision : 03/08/2022

**Present:**

1. Smti. Liboni Humtsoe, Director & FAA, Directorate of Rural Development, Nagaland, Kohima-797001.
2. Smti. Azenuo Pienyu, Addl. Director & PIO, Directorate of Rural Development, Nagaland, Kohima-797001.
3. Shri. K. Neibou Sekhose, Jt. Director, Directorate of Rural Development, Nagaland, Kohima-797001.
4. Shri. H. Atokhe Aye, Former Project Director & PIO, DRDA, Dimapur.
5. Shri. Kethosituo Sekhose, Project Director & PIO, DRDA, Dimapur.
6. Shri. Hamdok M. Konyak, RDO, Rural Development.
7. Smti. Sashirenla, BDO & APIO, DRDA, RD Block, Chumukidema.
8. Smti. Akhrienuo Zehol, BAPO, Rural Development, Nagaland, Kohima-797001.
9. Shri. Marchiten, BAPO, Chumukidema.
10. Shri T. Ruovi, M/No. 7630899734, C/o. Kuda 'B' Sub-post Office, Nagarjan.

**FACT OF THE CASE**

Shri. T. Ruovi, had submitted an RTI application dated **24.08.2020** along with an application fee of Rs. 10 (Ten) addressed to the PIO, Project Director, District Rural Development Agency, Dimapur, Nagaland, seeking the following information under MGNREGA during 2016 to March 2020:

- a) Please provide an attested copy of that part of the register where the details of the payment made to the job card holders have been noted in respect of the following job cards. (NAGARJAN VILLAGE)  
 (1) 626 (2) 657 (3) 659 (4) 670 (5) 1324 (6) 1323 (7) 1325 (8) 1326 (9) 1333  
 (10) 1332 (11) 1335 (12) 1336 (13) 1334 (14) 1337.
- b) Provide the names of RD Blocks under Project Director, DRDA, Dimapur.

On receipt of the RTI application, the PIO & Project Director, DRDA, Dimapur had, vide letter **No. DRDA/DMR/ESTT-19/RTI-09/2020** dated **04/09/2020** informed the applicants to deposit an amount of Rs. 5/- as cost of information which was received from BDO & APIO, RD Block, Chumukidema vide letter **No. BDO/CHUMU/RTI-09/2019** dated **27/08/2020**.

On receipt of the cost of information vide receipt **No.27** dated **05/09/2020** from the applicant, the PIO had, vide letter **No. DRDA/DMR/ESTT-19/RTI-09/2020** dated **10/09/2020** furnished the replies to the applicant.

On receipt of the information from the PIO, the applicant had submitted first appeal to the First Appellate Authority on **28/09/2020** stating that the Project Director & PIO, DRDA, Dimapur had furnished incomplete information.

On receipt of the Second Appeal dated **16/11/2020**, the Commission had directed the Director & FAA, Rural Development, Nagaland vide letter **No. NIC/Gen/RTI-19/17(Vol-I)/1268** dated **16/01/2021** to hear first appeal within 45 (forty five) days and to submit action taken report from the date of receipt of this directives and to submit a copy of the decision to this Commission.

On receipt of the Second Appeal dated **16/11/2020**, since the requisite information has not been furnished to the applicant (now appellant) by the PIO and that the FAA had failed to comply to the directive of the Commission, the Commission has decided to hear the above mentioned appeal giving opportunity of being heard to all the parties on **28<sup>th</sup> July, 2022 (Thursday) at 12:00 Noon 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 face mask and social distancing etc.

1. Smti. Liboni Humtsoe, Director & First Appellate Authority, Directorate of Rural Development, Nagaland, Kohima-797001.
2. Smti. Azenuo Pienyu, Addl. Director & PIO, Directorate of Rural Development, Nagaland, Kohima-797001.
3. Shri. H. Atokhe Aye, Former Project Director & PIO, DRDA, Dimapur - 798612.
4. Shri. Kethosituo Sekhose, Present Project Director & PIO, DRDA, Dimapur – 798612.
5. Smti. Sashirenla, APIO & BDO, RD Block, Chumukidema.
6. The applicant (now appellant), Shri. T. Ruovi, M/No. 7630899734C/o. Kuda 'B' Sub-post Office, Nagarjan.

### **OBSERVATIONS AND FINDINGS:**

Shri. Kethosituo Sekhose, Present Project Director & PIO, DRDA, Dimapur stated that the information was furnished to the applicant on **10/09/2020**.

The applicant (now appellant) stated that he had received the information from the PIO, however, he was not satisfied with the information furnished by the PIO, as the information furnished does not have a photocopy of the register where the payments were made to the job card holders.

In response, Smti. Sashirenla, BDO & APIO, RD Block, Chumukidema, clarified that the office had furnished whatever information was available with them. The respective Village Councils and VDBs are the sole custodian of the register and the Job Cards and no information is maintained at the block level.

The applicant (now appellant) stated that as per the MNREGA operational guidelines 2013 section 10.2 the custodian of records is to be maintained at block level and District level. Meanwhile, the MNREGA operational guidelines 2013 section 10.3.7, the work register contains

details of each works which are maintained by Panchayat Secretary at Gram Panchayat level and by Programme Officer at Block level.

In response, Shri. K. Neibou Sekhose, Joint Director, Directorate of Rural Development, Nagaland, explained that as per MNREGA Guidelines, information are supposed to be available and maintained by the Gram Panchayat. However, since Nagaland does not have Gram Panchayat, it follows Nagaland Village Council Act 1978 and as per Village Development Board (VDB) Model Rules, the records such as Registers and Job Cards etc. are maintained by the respective Village Councils and VDBs. The purpose of MGNERGA is to generate guaranteed employment to the villagers, therefore the village council decides what works to execute in order to generate employment to the villagers. Moreover, the details of the Job Card holders and the beneficiaries can be accessed and viewed in the Ministry of Rural Development website.

The applicant (now appellant) stated that if the public authority can give in written that the department does not follow MNREGA Operational Guidelines 2013 but follow Nagaland Village Council Act, he will be satisfied with the information furnished by the PIO.

The Commission observed that since the VC/VDBs receives funds through the Department ie. Project Director/Block Development Officer and that the VC/VDB have to report to the PD/BDO for any execution of work/ schemes/ Projects etc., whatever information/ records available and maintained at VC/VDB level ought to have available at the Block level too. Had there been proper records management at all the levels, replies to RTI queries can be furnished easily and promptly, and will also avoid the blame game or pointing of fingers. Hence, the department and VC/VDB's are advised to streamline as per guidelines for better record management.

The Commission also observed that there was no delay on the part of the public authority in furnishing the complete information to the applicant (now appellant), and hence no penalty was attracted.

### **DECISION**

In view of the above submission and observations, the Commission directed that for the purpose of clarity in future similar cases and as desired by the applicant (now appellant), the Public Authority shall submit in writing the explanation given during the hearing within 10 (Ten) days on receipt of its decision to the applicant (now appellant) and a copy to the Commission.

Copies be given to:

1. Smti. Liboni Humtsoe, Director & First Appellate Authority, Directorate of Rural Development, Nagaland, Kohima-797001.
2. Shri. H. Atokhe Aye, Former Project Director & PIO, DRDA, Dimapur - 798612.
3. Shri. Kethosituo Sekhose, Present Project Director & PIO, DRDA, Dimapur – 798612.
4. Smti. Sashirenla, APIO & BDO, RD Block, Chumukidema.
5. The applicant (now appellant) Shri. T. Ruovi, *M/No. 7630899734C/o.* Kuda 'B' Sub-post Office, Nagarjan.
6. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
7. Office Copy.

**Sd/-**

**I. MEYIONEN JAMIR**  
Chief Information Commissioner

Authenticated true copy:

(Worhonthung Ezung)  
Deputy Secretary