

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

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No. NIC/APPEAL-11/2022-23

Dated Kohima, the 3rd August, 2022

Appellants : i) Shri. Nei-u,
ii) Shri. Abi,
iii) Shri. Aki and
iv) Shri. 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.

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

(iii) The Project Director & PIO,
DRDA, Dimapur

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

Date of hearing : 28.07.2022 at 12:30 PM.

Date of Decision : 03.08.2022.

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. Shri. H. Atokhe Aye, Former Project Director & PIO, DRDA, Dimapur.
5. Shri. Kethosituo Sekhose, Present Project Director & PIO, DRDA, Dimapur.
6. Smti. Sashirenla, APIO & BDO, RD Block, Chumukidema.
7. Smti. Akhrienuo Zehol, BAPO, DRDB Directorate of Rural Development, Nagaland, Kohima, Mobile No. 8414098171.
8. The applicants (now appellants), Shri. Aki and Shri. Ruovi, M/No. 7630899734, C/o. Kuda 'B' Sub-post Office, Nagarjan.

The other applicants (now appellants), Shri. Nei-u and Shri. Abi **did not appear** for the hearing.

FACT OF THE CASE

Shri. Nei-u, Shri. Abi, Shri. Aki and Shri. Ruovi had jointly submitted an RTI application dated **07/06/2020** 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 Regarding work carried out under MGNERGA during 2016-17, 2017-18 in respect of RD, Block, Chumukedima.

Provide village wise fund allocation and name of the beneficiaries may be given under the following scheme and project. (Phase I, II, III)

- i. Farm pond.*
- ii. Construction of individual ring well.*
- iii. Construction of toilet.*
- iv. Construction of irrigation channel.*
- v. Plantation.*
- vi. Water conservation.*
- vii. Piggery project.*
- viii. Construction of composite pits.*

On receipt of the RTI application, Shri. H. Atokhe Aye, NCS, Project Director & PIO, DRDA, Dimapur had, vide letter No.DRDA/DMR/ESTT-19/RTI-09/2020 dated 16/07/2020 informed the applicants to deposit an amount of Rs. 10,029/- (Rupees Ten thousand and twenty nine) only as cost of information received from Block Development Officer & APIO, RD Block, Chumukidema vide letter No.BDO/CHUMU/RTI-09/2019 dated 10/07/2020.

On receipt of the cost of information amounting to Rs. 10,029/- (Rupees Ten thousand and twenty nine) only vide Receipt **No. NIL** dated **21/07/2020** from the applicants, Shri. H. Atokhe Aye, Project Director & PIO, DRDA, Dimapur had, vide letter ***No.DRDA/DMR/ESTT-19/RTI-09/2020*** dated ***07/08/2020*** furnished the above RTI replies to the applicants, which was received from Smti. Sashirenla, Block Development Officer & APIO, RD Block, Chumukidema vide letter No. BDO/CHUMU/RTI-4/2019-20 dated 06/08/2020.

On receipt of the information, the applicants had submitted first appeal dated 13/08/2020 stating that an amount of Rs. 10,029/- (Rupees Ten thousand and twenty nine) only was paid towards cost of information, however there were only 2502 pages which was **unreasonable**.

On receipt of the First Appeal dated ***13/08/2020***, the FAA had summoned the parties for First Appeal hearing on ***09/12/2020***, and after hearing the parties i.e the applicants and the PIO/APIO concerned, the Director & FAA had passed decision vide ***No.DRD/RTI-AA-9/2018-19*** dated ***09/12/2020*** wherein the PIO, DRDA, Dimapur was directed to **refund the excess amount charged** and to furnish complete information on or before ***31/01/2021***.

However, on not getting any response from the FAA to their First Appeal the applicants (now appellants) had submitted Second Appeal dated **26/10/2020** to the Nagaland Information Commission.

On receipt of the Second Appeal dated **26/10/2020**, the Commission had, vide letter ***No. NIC/Gen/RTI-19/17*** dated ***09/11/2020*** directed the Director & FAA, Rural Development, Nagaland to charge the fees following Section 7(1) & (5) of the RTI Act, 2005 and to submit action taken report to the Commission. In compliance to the Directive of the Commission dated ***09/11/2020***, the Director & FAA had, vide letter ***No. DRD/ME/RTI-AA-11/2021-22*** dated ***30/05/2022*** informed that the excess fee charged for information cost has been refunded and complete information has been furnished to the applicants as submitted by the Block Development Officer, Chumukidema, and had enclosed copy of the decision on the first appeal which was held on ***09.12.2020***.

However, since the Commission was not satisfied and convinced with the above decision/order of the FAA, the Commission has decided to hear the above mentioned appeal giving opportunity of being heard to all the parties on **28th July, 2022 (Thursday) at 12:30 P.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 this Commission with preventive measures such as wearing of face mask and social distancing etc.

1. The Director & First Appellate Authority, Directorate of Rural Development, Nagaland, Kohima-797001.
2. Shri. H. Atokhe Aye, Former Project Director & PIO, DRDA, Dimapur.
3. Shri. Kethosituo Sekhose, Present Project Director & PIO, DRDA, Dimapur.
4. Smti. Sashirenla, APIO & BDO, RD Block, Chumukidema.
5. The applicants (now appellants), Shri. Aki and Shri. Ruovi, *M/No. 7630899734*, C/o. Kuda ‘B’ Sub-post Office, Nagarjan.

OBSERVATIONS AND FINDINGS:

Shri. Aki Zhimomi and Shri. Ruovi appeared on behalf of the group, the applicants (now appellants) for the hearing. The Commission also made its point clear that the above two mentioned applicants represented on behalf of the whole group and would be held responsible in case if any mis-understanding that may arise due to mis-communication among the members.

During the hearing, Shri. Kethosituo Sekhose, present Project Director & PIO, DRDA, Dimapur stated that the information had been furnished to the applicants (now appellants) which was received from the BDO & APIO, RD Block, Chumukidema.

The applicants (now appellants) submitted that they had received the information and were not satisfied, however, due to shifting of his residence, some portions of the information were misplaced.

Shri. Kethosituo Sekhose, present Project Director & PIO, DRDA, Dimapur submitted that not all the villages were covered under RD Block, Chumukidema but only those villages that falls under the said RD Block as shown below were provided with the fund allocation:-

1. 5 th Mile Model village	2. 7 th Mile Village
3. 7 th Mile Model village	4. Aoyimkum
5. Aoyimti	6. Bamunpukhuri
7. Chekiye	8. Chumukidema – A
9. Chumukidema village	10. Darogapathar
11. Darogajan	12. Diphupar
13. Diphupar – B	14. Domokhia
15. Doshehe	16. Dubagaon
17. Ekranipathar	18. Eralibill
19. Ikishe	20. Industrial village
21. Kacharigaon	22. Kashiram Ao
23. Kashiram village	24. Khopanala
25. Khriezephe	26. Kirha
27. Kushiabill	28. Naga United
29. Nagarjan	30. Naharbari
31. Padumpukhuri	32. Phaiphijang
33. Purana Bazar	34. Rilán
35. Samaguri	36. Selouphe
37. Senjum	38. Signal Angami
39. Sodzulhou	40. Sovima
41. Tenyiphe – II	42. Tenyiphe – I
43. Tenyiphe – III Virazouma	44. Thahekhu
45. Thilixu	46. Toluvi
47. Toulazouma	48. Unity
49. Zani	

It was also clarified that the villages are the beneficiaries and the villages have the discretion to select and implement works schemes, hence there is no list of beneficiaries under the schemes or

projects. A copy of the above information was also produced before the Commission during the hearing and handed over to the applicants (now appellants).

Shri. H. Atokhe Aye, former Project Director & PIO, DRDA, Dimapur had also stated that there were some mistakes in the cost of information charged from the applicants, however, it was refunded and the applicants had also acknowledged it.

The applicants (now appellants) submitted that they had received the refund of the cost of information as well as the information and were satisfied with the clarification/explanation of the PIO.

The Commission observed that there was no delay in furnishing the information to the applicants (now appellants) and that the applicants (now appellants) had expressed satisfaction with the information so received from the PIO.

DECISION

Since there was no delay in furnishing the information and that the applicants (now appellants) had submitted satisfaction with the information furnished and also the explanation given by the PIO during the hearing, the Commission had declared the case as **CLOSED**.

Decision pronounced in the presence of both the parties on 28.07.2022 at 12:30 PM.

Copies be given to:-

1. Smti. Liboni Humtsoe, Director & FAA, Directorate of Rural Development, Nagaland, Kohima, Mobile No. 8413825319.
2. Shri. K. Neibou Sekhose, Joint Director & APIO, Directorate of Rural Development, Nagaland, Kohima, Mobile No. 9436000365.
3. Shri. H. Atokhe Aye, Former Project Director & PIO, DRDA, Dimapur.
4. Shri. Kethosituo Sekhose, Present Project Director & PIO, DRDA, Dimapur.
5. Smti. Sashirenla, APIO & BDO, RD Block, Chumukidema.
6. The applicants (now appellants), Shri. Nei-u, Shri. Abi, Shri. Aki and Shri. Ruovi, *M/No. 7630899734*, C/o. Kuda 'B' Sub-post Office, Nagarjan.
7. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
8. Office Copy.

Sd/-

I. MEYIONEN JAMIR
Chief Information Commissioner

Authenticated true copy:

(Worhonthung Ezung)
Deputy Secretary