

NAGALAND INFORMATION COMMISSION
AGRI-FARM COLONY, LANE-6, H/NO. AFC-578
NAGALAND, KOHIMA-797001
Email: cic.nagaland@gmail.com | Website: www.nlsic.nagaland.gov.in



No. NIC/APPEAL-13/2022-23

Dated Kohima, the 5th August, 2022

Appellants : i) Shri. Abi,
ii) Shri. Aki and
iii) 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-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 : 28.07.2022 at 1:00 PM.

Date of Decision : 05.08.2022.

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 applicant (now appellant), Shri. Abi **did not appear** for the hearing.

FACT OF THE CASE

Shri. Abi, Shri. Aki and Shri. Ruovi, had jointly 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 regarding implementation of the following scheme work under MGNREGA works in respect of Purana Bazar Village and Nagarjan Village during 2016-17, 2017-18, 2018-19, 2019-20:-

Name of works:

1. *Farm pond.*
 2. *Construction of individual ring well.*
 3. *Construction of toilet.*
 4. *Construction of irrigation channel.*
 5. *Plantation.*
 6. *Water conservation and harvesting.*
 7. *Retaining wall.*
 8. *Piggery.*
 9. *Construction of composite pits.*
 10. *Road side plantation.*
- a) *Whether the MGNREGA Scheme works mentioned above are carried out in individual lands? If yes, provide the name of the recipient of the scheme work of Purana Bazar Village and Nagarjan Village.*
- b) *Provide the total cost of each of the work (mentioned above) under MGNREGA.*
- c) *Whether the scheme works are constructed at community property? If yes, kindly provide the location of the area where the work was carried out.*
- d) *Who is the beneficiary of the MGNREGA schemes in case of the following:*
- I. *The person in whose property the work is taken up such as;*
 - i. *Farm pond.*
 - ii. *Construction of individual ring well.*
 - iii. *Construction of toilet.*
 - iv. *Construction of irrigation channel.*
 - v. *Plantation.*
 - vi. *Water conservation and harvesting.*
 - vii. *Retaining wall.*
 - viii. *Piggery.*
 - ix. *Construction of composite pits.*
 - OR
 - II. *The job card holder who works as daily wagers for construction of the work.*

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-09/2019** dated **24/08/2020** directed Smti. Sashirenla, Block Development Officer & APIO, RD Block, Chumukedima, to furnish the requisite information.

On receipt of the above directive, the Block Development Officer & APIO, RD Block, Chumukedima had, vide letter **No.BDO/CHUMU/RTI-09/2019** dated **27/08/2020** written to PIO for the cost of information amounting to Rs. 3710/- (Three thousand and ten) only to be incurred in furnishing the RTI replies. The Project Director & PIO had, vide letter No.DRDA/DMR/ESTT-19/RTI-09/2020 dated 4/09/2020 informed the applicants to deposit an amount of Rs. 3710/- (Rupees three thousand seven hundred and ten) only as the cost of information. And on receipt of the cost of information amounting to Rs. 3710/- (Rupees three thousand seven hundred and ten only) vide Receipt **No. 26** dated **05/09/2020** from the applicants, the Block Development Officer & APIO, RD Block, Chumukedima had, vide letter **No.BDO/CHUMU/RTI-1/2013-14** dated **09/09/2020** submitted the copies of RTI reply to the Project Director & PIO, DRDA, Dimapur.

On receipt of the above information from the above BDO & APIO, the Project Director & PIO, DRDA, Dimapur had, vide letter **NO. DRDA/DMR/ESTT-19/RTI-09/2020** dated **10/09/2020** furnished the above RTI replies to the applicants. However, on receipt of the above information, the applicants had submitted first appeal to the First Appellate Authority on **28/09/2020** stating the reasons and grounds of first appeal as below:-

1. ***Reply to query A:*** *Names of the beneficiaries/ names of the recipient of scheme work under MGNREGA of Nagarjan village & Purana village are not given.*
2. ***Reply to query C:*** *Location of the area where the works are carried out in the case of community property are not given.*

3. **Reply to query D:** *The reply to this query is misleading and incorrect.*

On receipt of the First Appeal dated **28/09/2020**, 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 had submitted Second Appeal dated **14/11/2020** to the Nagaland Information Commission. On receipt of the Second Appeal dated **14/11/2020** on **27/11/2020**, since there was no response from the FAA to the First Appeal dated **28/09/2020** which was submitted against incomplete information furnished by the PIO, Project Director, District Rural Development Agency, Dimapur to their RTI application dated **24/08/2020**, the Commission had, vide letter **No.NIC/Gen/RTI-19/17(Vol-II)/1325** dated **13/05/2021** directed the Director & FAA, Rural Development, Nagaland to furnish complete information within 30 (Thirty) days. However, since there was no compliance by the FAA to the above directive of the Commission even after a lapse of 9(Nine) months 20(Twenty) days, the Commission has issued a reminder letter **No.NIC/Gen/RTI-19/17(Vol-I)/1498** dated **03/03/2022** to submit action taken report within **2(Two) weeks** from the date of receipt of its directive.

In compliance to the Directive of the Commission dated **03.03.2022**, the Director & FAA had vide letter **No.DRD/ME/RTI-AA-10/2020-21** dated **04/03/2022** submitted the decision on the first appeal which was held on **09.12.2020**.

On receipt of the above decision of the FAA on 21.03.2022, since the Commission is 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 01:00 P.M in the Hearing Room of Nagaland Information Commission, Agri-farm Colony, Lane-6, H/No. AFC/578, Nagaland, Kohima** and **also to bring the files and relevant documents** in question for scrutiny on the above date and time for hearing. The following under mentioned officials are requested to attend the hearing 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. The 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 applicants (now appellants), Shri. Abi, 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, the applicant (now appellant), Shri. Ruovi stated that he had received some information from the PIO, however he was not satisfied since the list of beneficiaries and the location where the works were carried out were not furnished.

Shri. Kethosituo Sekhose, the present Project Director & PIO, DRDA, Dimapur stated that the RTI application was received on 24.08.2020 and the information was furnished on 10.09.2020, however, the applicants (now appellants) were not satisfied with the information.

Shri. K. Neibou Sekhose, Joint Director & APIO, Directorate of Rural Development, Nagaland, Kohima explained that Nagaland has a unique case as there is no Gram Panchayat and instead follows Nagaland Village Council Act, 1978. Moreover, the villages are the beneficiaries and decide what works to execute, hence there is no list of beneficiaries under the schemes or projects.

The applicant stated that since photographs are taken for each projects, he had requested for the photos of the projects. However, the Commission clarified that the applicant had not sought for photographs in his RTI application and that the applicant cannot seek for additional information at the time of appeals.

With regard to the *location of the area where the works are carried out*, Shri. Kethosituo Sekhose, present Project Director & PIO, DRDA, Dimapur stated that the villages have the discretion to select the works and schemes, and submit proposals along with location as '*within village jurisdiction*'. He further explained that Geo tagging was not started at the time of filing of the present RTI application, hence location of the projects could not be given. He added that Geo-tagging was introduced in recent times and each projects are to be geo tagged by the villages however, since there is no expertise, the department depute its expert official to assist the villages in the geo tagging.

The Commission observed that as far as furnishing of information is concerned, the PIO had furnished whatever information was available and satisfactory clarifications regarding the list of beneficiaries and the location where the works were carried out were given in the hearing.

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

On the above observations, the Commission decided 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 regarding the list of beneficiaries **within Ten (10) days** from the date of receipt of its decision to the applicants (now appellants) and with a copy to the Commission.

On receipt of the above compliance from the Public Authority, the Commission shall declare the case as closed.

Decision pronounced in the presence of both the parties on 28.07.2022 at 1:00 PM.

Copies be given to:-

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 - 798612.
5. Shri. Kethosituo Sekhose, Present Project Director & PIO, DRDA, Dimapur – 798612.
6. Smti. Sashirenla, APIO & BDO, RD Block, Chumukidema.
7. The applicants (now appellants), Shri. Abi, Shri. Aki and Shri. Ruovi, *M/No. 7630899734*, C/o. Kuda 'B' Sub-post Office, Nagarjan.
8. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
9. Office Copy.

Sd/-

I. MEYIONEN JAMIR
Chief Information Commissioner

Authenticated true copy:

(Worhonthung Ezung)
Deputy Secretary