

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

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No. NIC/APPEAL-35/2022-23

Dated Kohima, the 5th December, 2022

Appellants : i) Shri. Lovito S Zhimomi and
ii) Shri. Puloto I Achumi

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

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

(iii) Shri. K. Neibou Sekhose,
Joint Director & APIO,
Directorate of Rural Development,
Nagaland, Kohima-797001.

Public Authority : Directorate of Rural Development, Nagaland, Kohima-797001.

Date of hearing : 23.11.2022 at 12:30 PM.

Date of Decision : 05.12.2022.

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. Smti. Akhrienuo Zehol, BAPO, DRDB Directorate of Rural Development, Nagaland, Kohima, Mobile No. 8414098171.
5. The applicants (now appellants), Shri. Lovito S Zhimomi, K. Hollohon Colony, Dimapur, Mobile No. 6009744633 and Shri. Puloto I Achumi, K. Hollohon Colony, Dimapur, Mobile No. 700960261.

FACT OF THE CASE

Two applicants, Shri. Lovito S Zhimomi and Shri. Puloto I Achumi had jointly submitted an RTI application dated *NIL* along with an application fee of Rs. 10 (Ten) addressed to the PIO, Directorate of Rural Development, Kohima, seeking the following information *on the scheme Rural Local Bodies (RLB), Basic and Tied Grants recommended under 15th Financial year, Tied Grants of 2020-2021 and Basic Grants of 2021-2022:-*

- a) *Kindly furnished the photocopy of sanctioned order, funds received from the Central Government of India under Rural Local Bodies response fund during the financial year.*
- b) *Give in abstract the list of beneficiaries, details of the project and the amount released per beneficiaries of all the District under Rural Local Bodies response fund during the financial year.*
- c) *Kindly furnished the photocopy of utilization certificate.*
- d) *To support the claim kindly furnished the PFMS transaction records.*
- e) *Kindly furnished the information in details i.e in district wise.*

On receipt of the RTI application dated NIL on 20/07/2022, since there was no information from the PIO even after the 30(thirty) days time, the applicants had, filed First Appeal dated NIL to the Director & FAA, Rural Development, Kohima.

On receipt of the First Appeal dated NIL on 22/08/2022, Smti. Liboni Humtsoe, Director & FAA had, vide letter *NO.DRD/ME/RTI-AA-11/2021-22* dated 19/09/2022 issued notice for hearing to be held on 21/09/2022 at 01:00 P.M at the Directorate office. The FAA had, after hearing the first appeal with the applicants (now appellants) and concerned officials on 21/09/2022 passed decision vide *NO.DRD/ME/RTI-AA-11/2021-22* dated 06/10/2022 wherein the PIO, Rural Development was directed to furnish the complete information to the applicant within 15 days from the date of issue of her decision.

In compliance to the FAA's decision of even dated 06/10/2022, Shri. K. Neibou Sekhose, Jt. Director, XV-FC, Directorate of Rural Development, Nagaland had, vide letter *NO.DRD/RGSA/RTI/2021-22* dated 13/10/2022 submitted the information as sought by Shri. Lovito S Zhimomi and Shri. Puloto I Achumi to the Addl. Director & PIO, Rural Development as below:-

Reply to queries

- a) *Enclosed.*
- b) *Enclosed.*
- c) *Enclosed.*
- d) *NA.*
- e) *Enclosed in District wise.*

On receipt of the information from Shri. K. Neibou Sekhose, Jt. Director, Directorate of Rural Development, Nagaland, Smti. Azenuo Pienyu, Addl. Director & PIO, Rural Development had, vide letter *NO.DRD/ME/RTI-AA-11/2021-22* dated 17/10/2022 informed the applicants to collect the information from the RTI cell during office hours.

On receipt of the information from the PIO, the applicants (now appellants) had submitted second appeal dated 25/10/2022 to the Nagaland Information Commission stating that the information furnished was incomplete and misleading.

However, since the applicants (now appellants) were not satisfied with the information furnished by the PIO, the Commission has decided to hear the above mentioned appeal giving opportunity of being heard to all the parties on **10th November, 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 the following parties were 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. 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. 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.
4. The applicants (now appellants), Shri. Lovito S Zhimomi and Shri. Puloto I Achumi, *M/No. 6009744633, 7005960261.*

However, the Director & FAA, Directorate of Rural Development, Nagaland had, vide letter No. *DRD/RTI-AA-11/2021-2022* dated 01.11.2022, requested for reschedule of the hearing to a different date in view of urgent official engagements of most of the concerned officers.

The Commission had accepted the above request and had rescheduled the Hearing to **23rd November, 2022 (Wednesday) at 12:30 PM** in the Hearing Room of the Nagaland Information Commission, Agri-Farm Colony, Lane-6, H/No. AFC/578, Nagaland, Kohima.

OBSERVATIONS AND FINDINGS:

During the hearing, the applicants (now appellants) stated that they had not received the information, however, the FAA replied that the information was already furnished but they were not satisfied.

Shri. K. Neibou Sekhose, Joint Director & APIO, Directorate of Rural Development, Nagaland stated that all the information had been furnished except Sl. No. (d) regarding the PFMS transaction records since the PFMS is not yet implemented and is scheduled to start from 2023 onwards due to technical issues like same village in different districts and creation of new districts. He further stated that due to compilation from the districts and blocks, the information could not be furnished on time and that the delay was not intentional.

The applicant stated that as per the guidelines of the Ministry, funds should be transferred to the SNA account and the details to be shown on the website of the National Informatics Centre, however, it was not available. In response, Shri. K. Neibou Sekhose, Joint Director & APIO, Directorate of Rural Development, Nagaland explained that as per the 15th Finance Commission, parent-child account i.e SNA (Single Nodal Account) and PFMS are to be opened. Accordingly, SNA account had already been opened and the Finance department are crediting the funds in the SNA account and they are not doing at their own will. He reasoned that if the department was not following the guidelines, then the Finance department would not have credited the funds.

On examination of the FAA's decision dated 06.10.2022, the Commission observed that the RTI application dated NIL was received by the Directorate on 18.07.2022 and was transferred to the Programme Officer, XV-FC vide letter No. DRD/RTI-26/2021-22 dated 19.07.2022. As mentioned by the applicants (now appellants) in their Second Appeal, the RTI application was received by the APIO on 20.07.2022, however, since the applicants did not receive the information, a first appeal dated NIL was filed on 22.08.2022. It was only after the hearing of the first appeal by the FAA on 21.09.2022 and decision passed on 06.10.2022, Shri. K. Neibou Sekhose, Joint Director, XV-FC, Directorate of Rural Development, Nagaland had, on 13.10.2022 submitted the information to the Addl. Director & PIO, Rural Development. On receipt of the information from Shri. K. Neibou Sekhose, Joint Director, Directorate of Rural Development, Nagaland, Smti. Azenuo Pienyu, Addl. Director & PIO, Rural Development had, on 17.10.2022 informed the applicants to collect from the RTI cell during office hours. The applicants (now appellants) stated that they had received the information on 20.10.2022 but was not satisfied, hence the second appeal.

Hence, from the date of receipt of the RTI application dated NIL on 20.07.2022 to the date of furnishing on 17.10.2022, there was a total of eighty nine (89) days. And considering the 30 days time limit for the PIO to furnish information, the number of days of delay becomes, $89 - 30 = 59$ (fifty nine) days for which penalty was attracted. Moreover, since there was no record produced to show and prove that the RTI application was transferred to the districts requesting to submit the information, the Commission finds Shri. K. Neibou Sekhose, Joint Director & APIO, Directorate of Rural Development, Nagaland, Kohima to be wholly responsible for the delay in furnishing the information.

DECISION

On the above observations, the Commission decided that:-

1. Shri. K. Neibou Sekhose, Joint Director & APIO, Directorate of Rural Development, Nagaland, Kohima shall give his explanation regarding the PFMS and the hosting on the National Informatics Centre website in writing to the applicants (now appellants) and with a copy to the Commission **within Ten (10) days** from the date of receipt of this decision.
2. On receipt of the above explanation, the applicants (now appellants) shall submit satisfaction or non-satisfaction to the Public Authority and with a copy to the Commission **within 15 (fifteen) days** from the date of receipt of the information. In case, no confirmation is received from the applicant (now appellant) within the time frame given by the Commission, the case shall be presumed as satisfied and no further request to re-open the case shall be entertained.
3. Under Section 20 (1) of the RTI Act 2005, penalty at the rate of Rs. 250/- per day of delay for the total delay of fifty nine (59) days, amounting to **Rs. 14,750.00** (Rupees fourteen thousand seven hundred and fifty only) is imposed on Shri. K. Neibou Sekhose, Joint Director & APIO, Directorate of Rural Development, Nagaland, Kohima for contributing to the delay in furnishing the information to the applicants (now appellants) without reasonable cause.

The above penalty amount shall be paid within **within 15 (fifteen) days** from the date of receipt of this decision. Since penalty is imposed personally, the penalty amount shall be

deposited into the Government account under his name, designation and signature through **treasury challan** in favour of the Accounts Officer, Nagaland Information Commission, Kohima under the Head of Account given below, with a copy of the **treasury challan** (in original) to this Commission:-

0070 - Other Administrative Services
60 - Other Services
118– Receipts under RTI Act, 2005

Decision pronounced in the presence of both the parties on 23.11.2022 at 12:30 PM.

Copies be given to:-

1. Smti. Liboni Humtsoe, Director & FAA, Directorate of Rural Development, Nagaland, Kohima, Mobile No. 8413825319.
2. 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. The Accounts Officer, Nagaland Information Commission for information.
5. The Computer Programmer, Nagaland Information Commission for uploading on the website.
6. The applicants (now appellants), Shri. Lovito S Zhimomi, K. Hollohon Colony, Dimapur, Mobile No. 6009744633 and Shri. Puloto I Achumi, K. Hollohon Colony, Dimapur, Mobile No. 700960261.
7. Office Copy.

Sd/-

I. MEYIONEN JAMIR
Chief Information Commissioner

Authenticated true copy:

(Worhonthung Ezung)
Deputy Secretary