

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-39/2022-23

Dated Kohima, the 30th November, 2022

Appellants : i) Shri. Imkongchingba Phom,
Mobile No. 8787449263, 8416043504,
Longleng,

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. Moakaba,
Project Director & PIO,
DRDA, Longleng.

(iv) Shri. T. Lipokakum Pongen,
J.E,
DRDA, Longleng.

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

Date of hearing : 23.11.2022 at 1:00 PM.

Date of Decision : 30.11.2022.

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. Moakaba, Project Director & PIO, DRDA, Longleng.
5. Shri. T. Lipokakum Pongen, J.E, DRDA, Longleng.
6. Smti. Akhrienuo Zehol, BAPO, DRDB Directorate of Rural Development, Nagaland, Kohima, Mobile No. 8414098171.
7. The applicant (now appellant), Shri. Imkong, Mobile No. 8787449263, Longleng,
8. Shri. Bendang, Advocate, Dimapur, Mobile No. 8416043504 authorised by the applicant, and
9. Shri. Khemvu, Dimapur, Mobile No. 8837074892 accompanying the applicant.

Shri. M. Chelong Chenth, APIO & BDO, RD Block, Longleng **did not** appear for the hearing.

FACT OF THE CASE

An applicant, Shri. Imkongchingba Phom had submitted an RTI application dated NIL alongwith application fee of **Rs.10/-** addressed to the PIO, Rural Development Office, Longleng seeking the following information in accordance with the RTI Act, 2005 as listed below:-

1. *Detail beneficiaries list of PMAY under Longleng district (2019-2022). Kindly mention village wise.*
2. *Total amount sanctioned/ received for PMAY by the Government in the year 2019-2022.*

3. *Mention the current list of all beneficiaries received first or second instalment. Kindly specify the amount allocation in first/second/third installment.*
4. *Kindly furnish the utilization receipt of the said scheme amount 2019-2022.*
5. *Name list of all job card holder in Longleng district. Mention village wise. Kindly specify the amount sanctioned by the govt. with the number of days for which payment was released in 2019-2022 and also allocation made to beneficiaries.*
6. *Name list of all beneficiaries under Swatch Bharat toilet scheme 2019-2022. Specify the amount sanctioned by the govt. and also allocation made to beneficiaries.*

On receipt of the RTI application dated NIL on **02.06.2022**, Shri. M. Chenlong Chenth, BDO, RD Block Longleng had, vide letter **No.RD/LLG/RTI/2021-22** dated **20/07/2022** submitted to the Joint Director, RD Blocks, Nagaland, Kohima instead of the applicant, the RTI reply under PMAY-G scheme, and also stated that the department has not received any fund under Swatch Bharat Mission.

The RTI application was received by the Public Authority on **02.06.2022** as evidenced on the body of the application, however on not getting any information from the PIO, RD, Longleng to his RTI application, the applicant had submitted first appeal dated 06.07.2022 which was received by the Public Authority on the same date i.e **06/07/2022**.

On receipt of the first appeal, Smti. Liboni Humtsoe, Director & FAA had, vide letter **No. DRD/ME/RTI-AA-11/2021-22** dated **26/07/2022** notified for a hearing of both the parties on 03/08/2022 at 01:30 P.M at Directorate of Rural Development. After hearing both the parties, Smti. Liboni Humtsoe, Director & FAA had, vide **No. DRD/ME/RTI-AA-11/2021-22** dated **05/08/2022** passed decision stating that on receipt of the RTI application on **02.06.2022**, the PIO & PD, DRDA, Longleng had forwarded to the Office of the BDO on **06.06.2022**, however while compiling the information from the Blocks, delay was occurred due to the ill-health of one of the Block Officers. Further, the PIO was directed to furnish the required information from the date of issue of this Hearing Decision i.e on or before **10/08/2022**.

In compliance to the FAA's decision dated **05/08/2022**, Shri. Moakaba, Project Director& PIO, DRDA Longleng had, vide **No. DRDA/LLG/PMAYG-1/2019-20** dated **05/08/2022** submitted to the Director & FAA the details of FTO generation under PMAYG 1st Instalment during 2020-21 pertaining to 2019-20 in respect of RD Block Longleng along with soft copy. He further informed that, pertaining to Query No. 6 of the RTI sought, no funds have been received.

However, on not being satisfied with the information provided by the PIO, after the first appeal hearing, the applicant (now appellant) had filed Second Appeal dated **04.11.2022** to the Nagaland Information Commission.

Since the applicant (now appellant) was not satisfied with the information furnished by the PIO even after the first appeal decision, the Commission had decided to hear the above mentioned appeal giving opportunity of being heard to all the parties on **23rd November, 2022 (Wednesday) 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 had directed the following parties 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. Shri. Moakaba, Project Director & PIO, DRDA, Longleng -798625.
3. Shri. M. Chelong Chenth, APIO & BDO, RD Block, Longleng-798625.
4. The applicant (now appellant), Shri. Imkongchingba Phom, Mb- 8787449263, 8416043504, Longleng, Nagaland.

OBSERVATIONS AND FINDINGS:

During the hearing, the Commission had received a letter dated 23.11.2022 from Shri. Moakaba, Project Director & PIO, DRDA, Longleng informing that Shri. M. Chelong Chenth, APIO & BDO, RD Block, Longleng could not appear for the hearing as he was on medical treatment at BLK Hospital, New Delhi.

The applicant (now appellant), Shri. Imkongchingba Phom, Longleng had submitted a letter dated 23.11.2022 authorising Shri. Bendang, Advocate, Dimapur to represent him during the hearing, which the Commission received only on the day of the hearing.

The legal representative of the applicant (now appellant), Shri. Bendang, Advocate stated that second appeal was submitted since incomplete information was received even after the hearing of the First Appeal dated 06.07.2022 by the Director &FAA, Directorate of Rural Development, Nagaland, Kohima.

Shri. Moakaba, Project Director & PIO, DRDA, Longleng stated that since all implementation are carried out at the Block level, he had written to the BDO, RD Block, Longleng, however, no documentary evidence could be produced before the Commission.

On perusal of the file and records produced during the hearing, it was found that Shri. Moakaba, Project Director & PIO, DRDA, Longleng had, vide letter No. DRDA/LLG/RTI-1/2014-15 dated **14.11.2022** wrote to the BDO, RD Block, Longleng to submit the information sought by the applicant to be presented during the hearing on 23.11.2022. In compliance, the office of the BDO, RD Block, Longleng had, vide letter No. RD/LLG/RTI-1/2021-22 dated **19.11.2022** submitted the information to the Project Director & PIO, DRDA, Longleng.

It was only during the hearing on **23.11.2022** that Shri. Moakaba, Project Director & PIO, DRDA, Longleng had produced before the Commission, a copy of his letter No. DRDA/LLG/RTI-2/2020-21 dated NIL forwarding the information to the applicant. A copy of the complete information which was produced before the Commission was also handed over to applicant (now appellant) during the hearing.

On receipt of the information during the hearing, the applicant had expressed his satisfaction with the information so furnished except query No. 3, regarding the sanction orders. Shri. Moakaba, Project Director & PIO, DRDA, Longleng clarified that the Sanction Order was for 2019-20 but implemented during 2020-21 and 2021-2022, however the applicant desired in written explanation.

The Commission observed that the RTI application dated NIL was submitted on 02.06.2022 and was received by the Public Authority on the same date i.e. 02.06.2022, and on receipt of the RTI application dated NIL on 02.06.2022, Shri. M. Chenlong Chenth, BDO, RD Block Longleng had, vide letter No. RD/LLG/RTI/2021-22 dated **20.07.2022** submitted the information to the Joint Director & PIO, RD Blocks, Nagaland, Kohima for onward furnishing to the applicant, however, the applicant did not receive and hence filed the first appeal dated 06.07.2022. It was only during the hearing of the first appeal by the FAA on **03.08.2022** at 01:30 P.M, some information was furnished to the applicant. Hence, from the date of receipt of the RTI application dated NIL on 02.06.2022 to the date of furnishing on 03.08.2022, there was a total of 62 days. And considering the 30 days time limit for the PIO to furnish information, the number of days of delay becomes, $62 - 30 = 32$ (**thirty two**) days for which penalty was attracted.

DECISION

On the above observations and findings, the Commission decided that:-

1. Shri. Moakaba, Project Director & PIO, DRDA, Longleng shall furnish in writing the explanation for query No. 3, regarding the sanction orders to the applicant (now appellant), **within twenty (20) days** from the date of receipt of this decision and with a copy to this Commission.
2. On receipt of the information from the PIO, the applicant (now appellant) shall submit satisfaction or non-satisfaction to the PIO 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 **thirty two (32) days**, amounting to **Rs. 8000/-** (Rupees eight thousand only) is imposed on Shri. Moakaba, Project Director & PIO, DRDA, Longleng for contributing to the delay in furnishing the information to the applicant (now appellant) 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 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. Moakaba, Project Director & PIO, DRDA, Longleng.
4. The Accounts Officer, Nagaland Information Commission for information.
5. The Computer Programmer, Nagaland Information Commission for uploading on the website.
6. The applicant (now appellant), Shri. Imkongchingba Phom, Mobile No. 8787449263, 8416043504, Longleng.
7. Office Copy.

Sd/-

I. MEYIONEN JAMIR
Chief Information Commissioner

Authenticated true copy:

(Worhonhung Ezung)
Deputy Secretary