

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

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No. NIC/COMPLAINT-8/2022-23

Dated Kohima, the 3rd November, 2022

Complainants : i). Shri. Nokban Konyak.
Mobile No. 9862328127

ii) Shri. Tahlem Konyak
C/o. Libeni, Lawyer, Gauhati High Court,
Old Minister Hill, Kohima,
Mobile No. 7005134951

Respondents : (i) Shri. Ya-ei Konyak. S
BDO- Cum Programme Officer,
MGNREGA, RD Block, Chen,
Mon- 798621.

Public Authority : Office of the BDO, RD Block, Chen, Mon, Nagaland.

Date of hearing : 26/10/2022 at 12:00 Noon.

Date of Decision : 03/11/2022.

Present:

1. The applicants (now complainants), Shri. Nokban Konyak, Mobile No. 9862328127 and Shri. Tahlem Konyak, Mobile No. 8974547653, c/o Libeni, Lawyer, Gauhati High Court, Kohima Bench, Old Ministers Hill, Kohima, Nagaland, Mobile No. 7005134951.
2. Ms. Libei B. Jungi, High Court, Mobile No. 7005134951.

Shri. Ya-ei Konyak. S, BDO- Cum Programme Officer, MGNREGA, RD Block, Chen, Mon-798621 did not appear for the hearing physically however the hearing was conducted through video conferencing.

FACT OF THE CASE

Two applicants, Shri. Nokban Konyak and Shri. Tahlem Konyak had jointly submitted an RTI application dated **15/07/2022** addressed to the PIO, MGNREGA, BDO, RD Block, Chen, Nagaland, Kohima along with RTI application fee of Rs. 10 seeking *true and certified information of the following:-*

1. *Total amount of Grant-in-Aid released to VDB Chenmoho Village annually from 2001-2021, in a very detail.*
2. *Total amount of the Job Card in detail released for the VDB Chenmoho Village annually from 2001-2021.*
3. *Address and contact details of first appellate authority.*

On receipt of the RTI application, Ya-ei Konyak. S, BDO-Cum Programme Officer, RD Block, Chen had, vide letter **No. RD/CHEN/MGNREGA-2/2022023** dated **17/08/2022** requested the applicants to deposit cost of information amounting to Rs. 82,650/- (Rupees Eighty Two Thousand Six Hundred and Fifty Only) as per the detailed break-up shown below:-

1. *Reply to query No.1: Proposal copy 18 X 5 = Rs. 90/-*
2. *Reply to query No.2: Muster Roll copy 8256 X 10 = Rs. 82,560/-*

On receipt of the cost of information, the applicants had submitted a complaint dated 28/09/2022 to the Commission stating that the PIO had demanded exorbitant amount of fee towards the cost of information even after the lapse of stipulated time limit in gross violation of the RTI, Act, 2005 and the rules framed there under.

The Commission has decided to hear the above mentioned complaint by giving opportunity of being heard to all the parties on **26th October, 2022 (Wednesday) at 12:00 Noon in the Hearing Room of Nagaland Information Commission, Agri-farm Colony, Lane-6, H/No. AFC/578, Nagaland, Kohima** are hereby 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 with preventive measures such as wearing of face mask and social distancing etc.

1. Shri. Ya-ei Konyak. S, BDO-Cum Programme Officer, MGNREGA, RD Block, Chen, Mon-798621.
2. The applicants (now complainants) Shri. Nokban Konyak and Shri. Tahlem Konyak, C/o. Libeni, Lawyer, Gauhati High Court, Kohima Bench, Old Ministers Hill, Kohima, Nagaland, Mb- 7005134951.

OBSERVATIONS AND FINDINGS:

The applicants (now complainants) stated that they had submitted RTI application dated 15/07/2022 as they wanted to know how much money was being sanctioned and utilized for their village. However, since BDO office was closed they went to the house of the UDA to submit the application. Since there was no information or reply to their RTI application even after the lapse of 30 (thirty) days, they went to the office on 17/08/2022 to enquire about the status of their RTI application however, to their dismay they were asked to pay Rs. 86,650/- (Rupees Eighty Two Thousand Six Hundred and Fifty Only) for the cost of information even after the lapse of 30 (thirty) days time limit, which was unreasonable.

Since, Shri. Ya-ei Konyak. S, BDO-Cum Programme Officer, MGNREGA, RD Block, Chen, Mon-798621, did not appear for the hearing, the Commission had contacted through video call. He stated that since he learnt about the hearing just today only, he was not able to appear for the hearing physically. He admitted that he had informed the applicants about the cost of information and had charged @ Rs. 2 per page for the information.

The Commission observed that Shri. Ya-ei Konyak. S, BDO-Cum Programme Officer, MGNREGA, RD Block, Chen had received the RTI application on 15/07/2022 and intimated the cost of information on 17/08/2022 after the lapse of 30 (thirty) days time limit and therefore, under Section 7(6) of the RTI Act, 2005 the information should have been furnished free of cost. The Commission also observed that from the date of receipt of the RTI application on 15/07/2022 the information should have been furnished within 30 days which expired on 13/08/2022, however, after the expiry of the 30 days time limit, Shri. Ya-ei Konyak. S, BDO-Cum Programme Officer, MGNREGA, RD Block, Chen had only on 17/08/2022 intimated the cost of information to the applicants. Hence, considering the 30 days time limit for the PIO to furnish the information, there was a delay of (34-30) days = 4 days. The Commission took a lenient view and condoned the delay of 4 (four) days.

DECISION

In view of the above submission and observations the Commission directed that:

1. Since the cost of information was intimated after the lapse of 30 (thirty) days the information shall be furnished to the applicants (now complainants) **free of cost within 15 (fifteen) days** from the date of receipt of the decision and with a copy to the Commission.
2. On receipt of the information, the applicants (now complainants) shall submit satisfaction or non-satisfaction to the BDO cum- programme officer and with a copy to the Commission **within 15 (fifteen) days** from the date of receipt of the information.

Decision pronounced in the presence of both parties on 26/10/2022 at 12:00 Noon.

Copy be given to:

1. Shri. Ya-ei Konyak. S, BDO-Cum Programme Officer, MGNREGA, RD Block, Chen, Mon-798621.
2. The applicants (now complainants) Shri. Nokban Konyak and Shri. Tahlem Konyak, C/o. Libeni, Lawyer, Gauhati High Court, Kohima Bench, Old Ministers Hill, Kohima, Nagaland, Mb- 7005134951.
3. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
4. Office Copy.

Sd/-

I. MEYIONEN JAMIR
Chief Information Commissioner

Authenticated true copy:

(Worhonthung Ezung)
Deputy Secretary