

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 31st October, 2022

Subject: Notice for Second Hearing on 10th November, 2022 (Thursday) at 12:00 Noon.

WHEREAS, the Commission had heard the Second Appeal dated **16/11/2020** on **28th July, 2022 (Thursday) at 01:00 P.M.** submitted by Shri. Abi, Shri. Aki and Shri. T. Ruovi, M.No- 7630899734, C/o Kuda 'B' Sub-post Office, Nagjarjan.

AND WHEREAS, after hearing the case, the Commission had passed decision of ***even No. dated 05/08/2022.***

AND WHEREAS, in compliance to the decision of the Commission of ***even No. dated 03/08/2022***, the public authority had, vide letter ***No.DRD/RTI-AA-11/2021-2022*** dated **16/08/2022** submitted the written explanation regarding the list of beneficiaries under the MGNERGA Act 2005.

AND WHEREAS, the Commission had, on **17/09/2022** received a complaint letter dated NIL against the reply furnished by the Director & FAA, Rural Development wherein the applicants (now appellants) stated that the reply furnished was unacceptable as it was misleading and false information under the Act. Further, the applicants (now appellants) claimed that it has been clearly indicated in the Act and its Operational Guidelines that the individual beneficiaries who have availed the benefits of whatever construction taken-up in his/her private land under the MGNERGA Project or scheme.

A (i). As per section 6.6 of the Act states that the details required to be entertained are given in appendix-I it states in Sl.No.1 COLUMN No. 2 TO BE MENTIONED- OWNERSHIP OF LAND i.e Individual (IL) if individual then name of the beneficiaries with his father's name and category of the beneficiaries SC/ST/BPL.

(ii). KHASRA/PLOT number on which work is being carried out.

B. As per section 13.3.4 (iii) Physical status of the assets, asset quality and customer satisfaction in usefulness of asset (including works taken up on individual beneficiaries lands).

C. As per Section 4(b) of Appendix 3 states – If a beneficiary chooses to make IHHL of a superior design/ bigger dimension same will also be accepted.

D. As per Section 5 (a) Appendix 3 states only Job Card Holder will be employed for unskilled part of the work. If the beneficiary does not hold a Job Card he/ she should apply for one.

AND WHEREAS, the Commission had, on **20/10/2022** also received letter ***No.DRD/RTI-AA-11/2021-2022*** dated **17/10/2022** from the Public Authority clarifying that the statement of the Jt. Dir & APIO during the Hearing held on **28/08/2022** has been misquoted. The Jt. Dir & APIO had explained that Nagaland has a unique case as there is no Gram Panchayat and instead follows the Nagaland Village Council Act 1978 and his statement that “the villages are the beneficiaries and decide what works to execute, hence there is no list of beneficiaries under the scheme or projects”, implied that there is no specific list of beneficiaries but the beneficiaries exists as the villagers themselves who own a job card. Hence, the statement of the APIO was taken wrongly and misquoted.

AND WHEREAS, since the Commission observed that the written reply submitted by the Public Authority regarding the list of beneficiaries differs from the explanation given during the hearing, the Commission has decided to hear the above mentioned appeal giving opportunity of being heard to both the parties on **10th November, 2022 (Thursday) at 12:00 Noon in the Hearing Room of Nagaland Information Commission, Agri-farm Colony, Lane-6, H/No. AFC/578, Nagaland, Kohima.**

NOW THEREFORE, the following parties are 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. The Director & First Appellate Authority, Directorate of Rural Development, Nagaland, Kohima-797001.

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. K. Neibou Sekhose, Jt. Director, Directorate of Rural Development, Nagaland.
4. Shri. Kethosituo Sekhose, Present Project Director & PIO, DRDA, Dimapur – 798612.
5. The applicants (now appellants), Shri. Abi, Shri. Aki and Shri. Ruovi, *M/No. 7630899734*, C/o. Kuda 'B' Sub-post Office, Nagarjan.

Sd/-

I.MEYIONEN JAMIR

Chief Information Commissioner

No. NIC/APPEAL-13/2022-23

Dated Kohima, the 31st October, 2022

Copy to:

1. The PS to the Chief Information Commissioner, Nagaland Information Commission for kind information of the CIC.
2. The Director & First Appellate Authority, Directorate of Rural Development, Nagaland, Kohima-797001.
3. The Addl. Director & PIO, Directorate of Rural Development, Nagaland, Kohima-797001.
4. Shri. K. Neibou Sekhose, Jt. Director, Directorate of Rural Development, Nagaland.
5. Shri. Kethosituo Sekhose, Present Project Director & PIO, DRDA, Dimapur – 798612.
6. The applicants (now appellants), Shri. Abi, Shri. Aki and Shri. T. 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.

(WORHONTHUNG EZUNG)

Deputy Secretary

Nagaland Information Commission