

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 / 1926

Dated Kohima, the 29th March, 2023

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

Respondent : (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 first hearing : 26.10.2022 at 12:00 Noon.

Date of first Decision : 03.11.2022.

Date of second hearing : 17.03.2023 at 12:30 PM.

Date of second Decision : 29.03.2023.

Present:

1. Shri. Ya-ei Konyak, BDO-Cum Programme Officer & PIO, MGNREGA, RD Block, Chen, Mon- 798621, Mobile No. 9366913242
2. Shri. Bongwang, LDA, RD Block, Chen, Mon- 798621, Mobile No. 8974633782
3. Ms. Libeni B. Jungi, High Court, Old Minister Hill, Kohima, Mobile No. 7005134951.
4. Ms. Limilea Kinimi, High Court, Old Minister Hill, Kohima, Mobile No. 7042886875.

The following did not appear for the hearing.

5. 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.

FACT OF THE CASE

The Commission had, on 26.10.2022, heard the Complaint dated 28.09.2022 submitted from Shri. *Nokban Konyak* and *Shri. Tahlem Konyak*, C/o Libeni, Lawyer, Gauhati High Court, Kohima Bench, Kohima against unsatisfactory response of the BDO & PIO, RD Block, Chen, Nagaland. After hearing the Complaint, the Commission had passed decision of even No. dated 03.11.2022, wherein the PIO was directed to furnish the information sought to the applicants free of cost within 15 (fifteen) days from the date of receipt of the decision.

In compliance to the decision of the Commission, the PIO had furnished the information to the applicants (now complainants). However, on receipt of the information, the applicants

(now complainants) had, vide letter dated 16.12.2022, submitted to the Commission that the PIO had furnished incomplete information (i.e., 34 pages only instead of the 18+8256 = 8274 pages as claimed by the PIO in his letter No. RD/CHEN/MGNREGA-2/2022023 dated 17.08.2022), and that too after the lapse of the stipulated time frame of 15 (fifteen) days contravening the above decision of the Commission.

The Commission has decided to hear the above mentioned complaint giving opportunity of being heard to all the parties on 17th March, 2023 (Friday) at 12:30 PM 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. Shri. *Ya-ei Konyak*, BDO & PIO, RD Block, Chen, Mon, Nagaland.
2. The applicants (now Complainants), Shri. *Nokban Konyak* and Shri. *Tahlem Konyak*.

OBSERVATIONS AND FINDINGS:

On the day of the hearing, the Commission had received an authorisation letter dated 16.03.2023 from the applicants (now complainants), authorising Ms. Libeni and her colleague, Lawyers, Gauhati High Court, Kohima Bench to appear on their behalf. The Commission had accepted the above request and proceeded with the hearing.

During the hearing, Ms. Libeni, authorised lawyer of the applicants (now complainants) stated that after the first hearing on 26.10.2022 and in compliance to the decision dated 03.11.2022, the information was furnished, however, it was only two (2) pages. Therefore, the applicants (now complainants) had approached the BDO on 14.11.2022 and they were given six (6) pages. Again on 17.11.2022, they were given twenty six (26) pages, totalling to **34 (thirty four) pages**.

Shri. *Ya-ei Konyak*, S, BDO-Cum Programme Officer, MGNREGA, RD Block, Chen, Mon stated that since the information was huge and there was no Xerox facility in his office at Chen, he had, therefore summarised the information to 34 pages which included all the replies and was given free of cost.

Ms. Libeni, authorised lawyer stated that the BDO should have mentioned only 34 pages and not 8274 pages earlier and also should not have asked the applicants to deposit Rs. 82,650.00 for 8274 pages. She further stated that the 34 pages documents did not contain the complete information.

The BDO stated that he was away from office for quite sometime for his father's treatment, and the amount was worked out by his Accountant.

The Commission pointed out that for 8274 pages, the cost of information calculated @ Rs. 2/- per page would amount to only Rs. 16,548/- and not Rs. 82,650.00.

The Commission also observed that the applicants (now complainants) had sought for information from 2001-2021 which was for more than 20 years records, hence huge information. Therefore, the Commission decided to allow the parties for inspection of records, which the authorised lawyer representative of the applicants (now complainants) also agreed.

DECISION

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

1. Since the information was voluminous, Shri. Ya-ei Konyak. S, BDO-Cum Programme Officer, MGNREGA, RD Block, Chen, Mon shall invite the applicants (now complainants) for **inspection of the records** as sought from 2001-2021. The inspection shall be completed within **1st to 10th April, 2023** and a report submitted to this Commission **within 15 (fifteen) days** from the date of completion of the inspection.
2. Thereafter, 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 completion of the inspection.

Decision pronounced in the presence of both parties on 17.03.2023 at 12:30 PM.

Copy be given to:

1. Shri. Ya-ei Konyak. S, BDO-Cum Programme Officer, MGNREGA, RD Block, Chen, Mon-798621, Mobile No. 9366913242
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, Mobile No. 7005134951.
3. The Computer Programmer, Nagaland Information Commission for uploading on the website.
4. Office Copy.

Sd/-

I. MEYIONEN JAMIR
Chief Information Commissioner

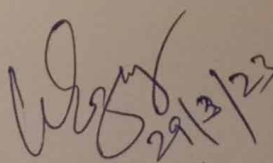
Sd/-

NOSAZOL CHARLES
State Information Commissioner

Sd/-

T. KEKONGCHIM YIMKHIUNG
State Information Commissioner

Authenticated true copy:


(Worhonthung Ezung)
Deputy Secretary