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

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No. NIC/APPEAL-43/2022-23 /08

Dated Kohima, the 15th May, 2023

Appellants

- : i) Shri T. Ruovi
ii) Shri. Abi
iii) Shri. Aki
Mobile No. 7630899734.
C/o. Kuda 'B' Sub-post Office, Nagarjan.

Respondents

- : (i) Smti. Azenuo Pienyu,
Director & First Appellate Authority,
Directorate of Rural Development,
Nagaland, Kohima-797001.
- (ii) Shri. K. Shekiho Phuleshe,
PIO,
Directorate of Rural Development,
Nagaland, Kohima-797001.
- (iii) Shri. Kethosituo Sekhose,
Project Director & PIO,
DRDA, Dimapur – 798612.
- (iv) Shri. Vikie Nagi,
Chairman,
Kuda Village Council
Dimapur.
- (v) Shri. Vikeduo Linyü,
VDB Secretary
Kuda (Nagarjan) Village,
Dimapur

Public Authority

: District Rural Development Agency, Dimapur, Nagaland.

Date of hearing

: 04.05.2023 at 12:00 noon

Date of Decision

: 15.05.2023

Present:

1. Shri. Kethosituo Sekhose, Project Director & PIO, DRDA, Dimapur, Mobile No. 9436001625.
2. Shri. K. Shekiho Phuleshe, PIO, Directorate of Rural Development, Nagaland, Kohima-797001, Mobile No. 9436002519.
3. Smti. Akhrienuo Zehol, BAPO, Rural Development, Nagaland, Kohima-797001, Mobile No. 8414098171.
4. Shri. Vikeduo Linyü, VDB Secretary, Kuda (Nagarjan) Village, Dimapur, Mobile No. 9856000248.
5. Shri. Akovi Savino, VDB Member, Kuda (Nagarjan) Village, Dimapur, Mobile No. 8794555754.

The following did not appear for the hearing:-

1. Smti. Azenuo Pienyu, Director & FAA, Directorate of Rural Development, Nagaland, Kohima-797001.
2. Shri. Vikie Nagi, Chairman, Kuda Village Council, Dimapur.
3. Shri T. Ruovi, Shri. Abi and Shri. Aki, M/No. 7630899734, C/o. Kuda 'B' Sub-post Office, Nagarjan.

FACT OF THE CASE

Three applicants, Shri. T. Ruovi, Shri. Abi and Shri. Aki had jointly submitted an RTI application dated 02.08.2022 addressed to the PIO, O/o the Project Director, Rural Development Department, Dimapur along with application fee of Rs. 10/- (in cash) seeking the following information: -

- i. *Kindly provide a copy of Government accorded Administrative and Technical Sanctions for construction of Retaining Wall in Nagarjan Village under MGNREGA Scheme during FY 2018-19 in respect of RD Block, Chumukedima.*
- ii. *We wish to inspect the construction of retaining wall during 2018-19 – Chobi Dolie to Achubu under Section 2(J) (i) of Right to Information Act.*

Please intimate us the date and time we should come to inspect the project.

On receipt of the above RTI application, Smti. **Sashirenla Imchen**, Block Development Officer & APIO, RD Block, Chumukedima, Nagaland had, vide **No. BDO/Chumu/RTI-1/2013-14** dated **17.08.2022**, furnished the information sought to the Project Director & PIO, DRDA, Dimapur, Nagaland for necessary action in reference to his Letter No. DRDA/DMR/ESTT-19/RTI-09/2019 dated 09.08.2022 as under: -

Reply to query No. 1:

Xerox copy of Work order enclosed.

Reply to query No. 2:

The record i.e., the work executed is under another public authority, i.e., the Village Council of Nagarjan (Kuda), therefore the said Public Authority may be requested to furnish the information as sought for by the applicant.

Shri. Kethosituo Sekhose, NCS, Project Director & PIO, DRDA, Dimapur, Nagaland had, vide No. DRDA/DMR/ESTT-19/RTI (II)/2019/35 dated 24.08.2022, furnished to the applicants, the information sought as forwarded by the BDO & APIO, RD Block, Chumukedima, Nagaland as below:-

- i. *The information is enclosed as forwarded by the BDO, Chumukedima.*
- ii. *The information sought is under the custody of the Village Council of Nagarjan (Kuda) and therefore the same request for information is being transferred to the Chairman, Nagarjan (Kuda) Village Council.*

In regard to Query No. 2, Shri. **Kethosituo Sekhose**, NCS, Project Director & PIO, DRDA, Dimapur, Nagaland had, vide letter **No. DRDA/DMR/ESTT-19/RTI (II)/2019** dated **24.08.2022** directed the Chairman, Nagarjan (Kuda) Village Council, Dimapur to fix a convenient date for inspection of the construction site and inform the applicants for further necessary action.

On receipt of the above directive of the Project Director, DRDA, Dimapur, Nagaland, Shri. **Vikie Nagi**, Chairman, Nagarjan (Kuda) Village Council, had, vide letter dated **25.08.2022**, informed the applicants to gather at the Village Council Hall on **27.08.2022** at **07:00 AM** so that together with the council, GB & VDB, they will proceed to the construction site for inspection of the work done.

On being dissatisfied, the applicants had submitted a First Appeal dated **23.09.2022** to the FAA, Directorate of Rural Development, Nagaland, Kohima stating that for Query No. 01, instead of the Govt. accorded Administrative and Technical Sanctions for construction of Retaining Wall in Nagarjan Village under MGNREGA Scheme during Financial Year, 2018-19, the PIO had furnished only undated documents and no copy of order (Sanction Order) was provided. Also, pertaining to Query No. 02, the applicants had stated that they felt no point for inspection as the said work (Retaining Wall) was not at the recorded location i.e., Kuda 'B' Khel, Nagarjan Village.

On receipt of the First Appeal, Smti. **Liboni Humtsoe**, Director & FAA, Rural Development, Nagaland, Kohima had, vide **No. DRD/ME/RTI AA-11/2021-22** dated **26.10.2022** notified of hearing on 31.10.2022 at 01:30 PM at the Directorate.

The applicants had submitted a Second Appeal dated **NIL** to the Commission stating non response/ non receipt of decision from the FAA. On receipt of the Second Appeal on **19.12.2022**, the Commission had, vide letter **No. NIC/APPEAL-43/2022-23/1853** dated **23.01.2023** directed the FAA,

Directorate of Rural Development, Nagaland to submit a copy of the decision of the FAA on the hearing of the first appeal held on 31.10.2022 *within 20 (twenty days)* for further necessary action.

On receipt of a copy of the above decision of the FAA on 27.03.2023, the Commission had observed that in reply to Query No. 01, the PIO & Project Director, DRDA, Dimapur had stated that the copies of the Work Order were already provided. And for Query No. 02, the PIO & Project Director, DRDA, Dimapur had directed the Chairman, Nagarjan (Kuda) Village Council to fix a date for inspection of the work site along with the applicants. Subsequently, the Chairman, Nagarjan (Kuda) Village Council had informed the applicants for the construction site inspection on 27.08.2022. However, the applicants decided not to visit the site for inspection after finding out the construction work was not at the recorded location.

Since the applicants (now appellants) are still dissatisfied with decision of the FAA, the Commission has decided to hear the above mentioned Appeal giving opportunity of being heard to all the parties on 4th May, 2023 (Thursday) at 12:00 Noon in the Hearing Room of Nagaland Information Commission, Agri-farm Colony, Lane-6, H/No. AFC/578, Nagaland, Kohima and had also directed the parties to bring the files and relevant documents in question for scrutiny and to appear before the Commission on the above date and time for hearing with preventive measures such as wearing of face mask and social distancing etc. :-.

1. The Director & FAA, Directorate of Rural Development, Nagaland, Kohima.
2. Shri. *Kethosituo Sekhose*, NCS, Project Director & PIO, DRDA, Dimapur, Nagaland.
3. Shri. *Vikie Nagi*, Chairman, Nagarjan (Kuda) Village Council, Dimapur, Nagaland.
4. The VDB Secretary, Nagarjan (Kuda) Village, Dimapur, Nagaland.
5. The applicants (now appellants), Shri. T. Ruovi, Shri. Abi and Shri. Aki, Dimapur, C/o Kuda 'B' Sub-Post Office, Nagarjan, Dimapur, Ph. No. 7630899734.

OBSERVATIONS AND FINDINGS:

Representative of the FAA i.e. PIO of the Directorate of RD, VDB Secretary and VDB Member were present during the hearing. This is the very first time in the history of the Commission that Village Council and VDB were also summoned along with the public authority for a hearing.

During the hearing, the Commission had received a Resolution dated 03.05.2023 from the Office of the Secretary, Village Development Board, Kuda (Nagarjan) Village, Dimapur wherein after a meeting on 03.05.2023 held by the VDB, Kuda village, Kuda Village Council, Kuda Youth Club, GBs and the Khel Chairmen together with the applicants, it was resolved that the applicants (now appellants) had decided not to pursue the appeal and drop the issue in order to maintain good and cordial relationship between the concerned parties. The applicants (now appellants) were also a part of the signatory in the attendance sheet.

All the three (3) applicants (now appellants), therefore did not appear for the hearing and the Commission heard the appeal *ex parte*. On perusal of the above mentioned Resolution of the VDB, the Commission observed that the resolution was passed on 03.05.2023 only after the notice for hearing was issued by the Commission on 24.04.2023. In the past, the Village Councils used to pass resolution threatening of anyone filing RTI application and hence suspect that in the present case also the applicants might have been threatened and for which the applicants had decided to drop the issue and did not appear for the hearing.

However, Shri. *Vikeduo Linyti*, VDB Secretary, Kuda (Nagarjan) Village, Dimapur denied any such threat or persuasion to the applicants for the withdrawal. He stated that the applicants were also present when the resolution was passed and they had appended their signatures. He even stated that CCTV recording was even done. He further stated that the applicants did not give their real names but only nick names.

Shri. *Kethosituo Sekhose*, Project Director & PIO, DRDA, Dimapur stated that on receipt of the RTI application dated 02.08.2022, on the same day i.e. 02.08.2022, he had transferred to the BDO, Chumukidema on 09.08.2022. The BDO, Chumukidema had on 17.08.2022 submitted the information to him, and on receipt of the information he had, furnished the information to the applicant on 24.08.2022. He stated that reply to **query No. 1** regarding Work Orders were furnished, however, since during 2018, the SECURE (Software for Estimate Calculation Using Rural Rates) application system was not implemented, Work Order was the only document based on which works were implemented and hence there were no Administrative and Technical sanctions available.

However, for **query No. 2** which was for the inspection of work site, he had written to the Village Council, Nagarjan Kuda Village, Dimapur to fix a convenient date for the inspection. And accordingly, the Village Council had on 25.08.2022 informed the applicant for the inspection on 27.08.2022. He further informed that the work was done in 2018 and the Village Council had, through a resolution changed the location of the construction work site.

During the hearing, Shri. Vikeduo Linyü, VDB Secretary, Kuda (Nagarjan) Village, Dimapur stated that the VDB Kuda village had a joint meeting alongwith the Kuda Village Council and Village GBs on 22.12.2018 at Kuda Panchayat Hall and in a '**Meeting Resolution**' decided that the location of the construction of retaining wall at Chobi Dolie-Achubu area be diverted to a new location at Panchayat Hall – GB Nouné Khate area as it was in urgent necessity to prevent soil erosion of the road which connect the lifeline of the villagers and students. A copy of the meeting resolution alongwith attendance sheet was produced before the Commission. He also stated that the applicants were invited for the inspection and had explained to them, and since the applicants were satisfied, they did not go for the inspection.

On the above submission, since the change of location of the construction works i.e retaining wall was resolved in a joint meeting in 2018 based on the urgent need as stated above, and that the work was actually done, though in another location, the Commission observed that it cannot interfere or undo the decision for the change of location resolved by the highest bodies/agencies at the village level.

The applicants (now appellants) had been given an opportunity by the Village Council and the VDB for the inspection of the work site, however, the applicants (now appellants) had, on their own volition decided not to inspect the work site. Further, the applicants (now appellants) had also not appeared for the hearing and therefore, had lost the opportunity of being heard.

The Commission also observed that there was no delay, hence no penalty was attracted. However, the public authority, particularly the Village Council and the VDB are cautioned to undertake proper feasibility study while projecting any projects on need-based and on priority basis in future.

DECISION

In view of the above submission and observations, relying on the **Resolution** dated 03.05.2023 received from the Office of the Secretary, Village Development Board, Kuda (Nagarjan) Village, Dimapur, and the '**Meeting Resolution**' of 22.12.2018 for the change of location of the construction work site, the Commission viewed that no further action can be taken and hence decided to close the case.

Decision pronounced in the presence of only the respondents on 04.05.2023 at 12:00 noon.

Copies be given to:

1. Smti. Azenuo Pienyu, Director & First Appellate Authority, Directorate of Rural Development, Nagaland, Kohima-797001.
2. Shri. Kethosituo Sekhose, Project Director & PIO, DRDA, Dimapur – 798612.
3. Shri. Vikie Nagi, Chairman, Kuda Village Council, Dimapur.
6. Shri. Vikeduo Linyü, VDB Secretary, Kuda (Nagarjan) Village, Dimapur, Mobile No. 9856000248.
4. The applicants (now appellants), Shri. T. Ruovi, Shri. Abi and Shri. Aki, M/No. 7630899734C/o. Kuda 'B' Sub-post Office, Nagarjan.
5. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
6. Office Copy.

Sd/-

L. MEYIONEN JAMIR
Chief Information Commissioner

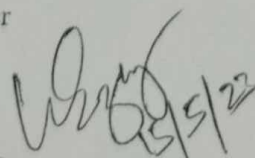
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T. KEKONGCHIM YIMKHIUNG
State Information Commissioner

Sd/-

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State Information Commissioner

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(Worhonthung Ezung)
Deputy Secretary