

NAGALAND INFORMATION COMMISSION

Nagaland Commissions' Complex

New Capital Complex

Nagaland, Kohima-797004

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No. NIC/APPEAL-10/2024-25

Dated Kohima, the 14th October, 2024

Subject: Notice for Hearing on 29th October, 2024 (Tuesday) at 11:00 A.M.

WHEREAS, the Commission had on **13.09.2024** received a Second Appeal dated **12.09.2024** from Shri. Tsuknong, H/No – 182, Lungkongmendang Ward, Tuli Mokokchung, Mobile No. 8118924953 & Shri. Tinuakum, Dilong Ward, Mokokchung, Mobile No. 9077796880, against the decision of Director & FAA, Directorate of Rural Development, Nagaland, Kohima to their First Appeal dated **04.04.2024** which was submitted against the non-furnishing of information by the PIO, Directorate of Rural Development, Nagaland, Kohima to their RTI application dated **22.02.2024**.

AND WHEREAS, the applicants had submitted a RTI application dated **22.02.2024** along with application fee of Rs. 10/- and PHH/BPL card addressed to the PIO, Directorate of Rural Development, Nagaland, Kohima, seeking the following information: -

1. *When was the **BRGF** implemented in Nagaland? Which districts were initially covered and presently how many districts are covered? Name them.
Provide Clear Xerox copy of Sanctioned orders from Central Government under Capacity Building (CB) and Development Grant (DG) since BRGF implementation to till date. As per every sanction order of project, schemes and works report, transaction details, completion certificate, Geotag photograph of the project site. If the Project is ongoing then provide the detailed status of work and financial transactions details along with the Geotag photograph of the ongoing project site.*

AND WHEREAS, on receipt of the above RTI application on **22.02.2024** by the Public Authority on **22.02.2024**, as evidenced by the Receipt No. 39, since there was no information from the PIO within the 30 (thirty) days, the applicants had submitted first appeal dated **04.04.2024** to the FAA, Directorate of Rural Development, Nagaland, Kohima which was received by the FAA on the same dated, i.e., **04.04.2024**.

AND WHEREAS, on receipt of the first appeal dated **04.04.2024** on the same day, i.e., **04.04.2024** Shri. K. Inazhe Phuleshe, Director & FAA, had, vide letter No. **DRD/RTI-AA-12/2022-2023** dated **31.05.2024**, informed the applicants that the first appeal hearing would be heard on **05.06.2024 at 01:30 P.M.** at the Directorate of Rural Development, Nagaland, Kohima along with other two first appeals.

AND WHEREAS, the FAA had heard the hearing on **05.06.2024** combining 3 (three) first appeals arising out of RTI application dated **22.02.2024** pertaining to **BRGF**, RTI application dated **05.03.2024** pertaining to **GIA** and RTI application dated **08.03.2024** pertaining to **MGNREGA** and had passed his decision vide letter No. **DRD/RTI-AA-12/2022-23** dated **05.06.2024** as shown below: -

1. *The applicant (now appellant) stated that even after the expiry of 30 days, information has not been furnished for which appeal has been submitted to the Director & FAA with regard to RTI application No. Nil dated 22/02/24 pertaining to BRGF, No nil dated 05/03/24 pertaining to GIA and No. Nil dated 08/03/24 pertaining to MGNREGA.*
2. *The APIO in response to BRGF explained that there is no Programme Officer for the said programme since it has been winded up. But as received, the application was forwarded to the PIO & Project Director, DRDA Mon, Tuensang, Kiphire, Longleng & Wokha to furnish the information. While the Project Directors of the five districts intimated the inability to furnish the information involving a huge man power, time and resources effecting the normal functioning of the office establishment. Basing on the reply received, it was replied to the applicants (now appellants).*

3. *The RDA, GIA stated that the information sought for was voluminous seeking information from 2013 till date which the concerned branch is not in a position to practically furnish the information within the time frame. Therefore the information could not be furnished.*
4. *The RDO, MGNREGA stated that the applicants (now appellants) have sought information from 2006 till date which is beyond human capability to pragmatically furnish within the stipulated time. Hence the information could not be furnished.*
5. *The APIO also stated that a collective RTI application was received dated 15/01/24 to which it was replied vide letter **NO.DRD/ME/RTI-27/2022-2023** dated 07/02/24 that the information sought for involves a huge man power (staffs) and resources since the information asked for is of a long period which is disproportionately diverting the resources and time of the public authority. Therefore, it is not possible to pragmatically furnish the information sought for.*
6. *The applicant (now appellant) stressed on Section 7(6) of the RTI Act 2005 to provide the information free of charge where a public authority fails to comply with the time limits specified in sub-section (1) and urged for the information to be provided free of cost.*
7. *The APIO reiterated the Section 7(9) of the RTI Act which states that it is disproportionately diverting the resources of the public authority seeking information for a long period.*
8. *The Director & FAA on observation of the elucidation given by the Programme Officers and the applicants (now appellants) declared that the office has already furnished the information vide letter **NO.DRD/ME/RTI-27/2022-2023** dated 07/02/24 and the issue of not furnishing the information within 30 days does not arise*

AND WHEREAS, on receipt of the FAA's decision dated **05.06.2024**, the applicants (now appellants) had submitted a Second Appeal dated **12.09.2024** to the Nagaland Information Commission stating that *the decision of the hearing held on 05.06.2024 was not satisfactory and it was misleading.*

AND WHEREAS, the applicants (now appellants) had, in their Second Appeal to the Nagaland Information Commission also disclosed that they had earlier submitted a RTI application dated 15.01.2024 seeking information numbering 10 (ten) questions, however, since Shri. Hamdok M. Konyak, RDO & APIO, Rural Development had, vide letter **NO.DRD/ME/RTI-27/2022-2023** dated 07/02/24, replied to the applicants that the information sought involves huge man power and resources and hence as per Section 7(9) of the RTI Act, could not be furnished, they did not proceed further. Hence, the applicants had split up the questions raised in the RTI application dated **15.01.2024** and had submitted a fresh RTI application dated **22.02.2024** containing one question and on one scheme only i.e., regarding **BRGF**.

AND WHEREAS, since the applicants (now appellants) were not satisfied with the decision of the Director & FAA, the Commission has decided to hear the above mentioned Second Appeal by giving opportunity of being heard to all the parties on **29th October, 2024 (Tuesday) at 11:00 A.M in the Hearing Room of the Nagaland Information Commission, Nagaland, Kohima.**

NOW THEREFORE, it is notified that 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.

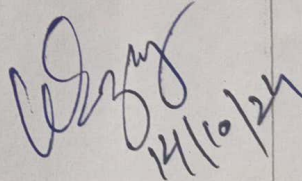
1. The Director & FAA, Directorate of Rural Development, Nagaland, Kohima.
2. The PIO, Directorate of Rural Development, Nagaland, Kohima.
3. The RDO & APIO, Directorate of Rural Development, Nagaland, Kohima
4. The applicants (now appellants), Shri. Tsuknong, H/No – 182, Lungkongmendang Ward, Tuli Mokokchung, Mobile No. 8118924953 & Shri. Tinuakum, Dilong Ward, Mokokchung, Mobile No. 9077796880,

Sd/- I. MEYIONEN JAMIR
Chief Information Commissioner

No. NIC/APPEAL-10/2024-25/442
Copy to:

Dated Kohima, the 14th October, 2024

1. The PS to the Chief Information Commissioner, Nagaland Information Commission for kind information of the CIC.
2. The PA to the SIC(N), for kind information of the State Information Commissioner.
3. The PA to the SIC(K), for kind information of the State Information Commissioner.
4. The Director & FAA, Directorate of Rural Development, Nagaland, Kohima.
5. The PIO, Directorate of Rural Development, Nagaland, Kohima.
6. The RDO & APIO, Directorate of Rural Development, Nagaland, Kohima.
7. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
8. The applicants (now appellants), Shri. Tsuknong, H/No – 182, Lungkongmendang Ward, Tuli Mokokchung, Mobile No. 8118924953 & Shri. Tinuakum, Dilong Ward, Mokokchung, Mobile No. 9077796880,
9. Office Copy.


(WORHONTHUNG EZUNG)
Deputy Secretary