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NAGALAND INFORMATION COMMISSION

Nagaland Commissions' Complex

Below NBCC Convention Centre

New Capital Complex

Kohima: Nagaland-797004

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No. NIC/APPEAL-12/2024-25

Dated Kohima, the 14th October, 2024

Subject: Notice for Hearing on 29th October, 2024 (Tuesday) at 12:00 Noon.

WHEREAS, the Commission had on **13.09.2024**, received a Second Appeal dated **12.09.2024** submitted by Shri. Tsuknong, H/No – 182, Lungkongmendang Ward, Tuli Mokokchung, Mobile No. 8118924953 & Shri. Tinuakum, Dilong Ward, Mokokchung, Mobile No. 9077796880, against the unsatisfactory response of the FAA, Directorate of Rural Development, Nagaland to their First Appeal dated **10.04.2024** which was submitted against the non-response of the PIO, Directorate of Rural Development, Nagaland to their RTI application dated **08.03.2024**.

AND WHEREAS, the above applicants had submitted a RTI application dated 08.03.2024 to the PIO, Directorate of Rural Development, Nagaland along with application fee of Rs. 10/- only and PHH/BPL seeking the following information: -

1. *How many beneficiaries are there under MGNREGA since March 2006 to till date in Nagaland? Provide identity proof and details of Beneficiaries of every villages in yearly wise as per RD Block in Nagaland. What amount of wages have been given to each beneficiaries annually? Provide wages FTO details. What work, schemes, project was done annually under MGNREGA? From material component what material have been given to each village or beneficiary? What was the process followed for financial valuation? What was the sanction amount given to the VDBs for the said work, schemes and projects, provide transaction details, completion certificate, Geotag photograph of signboard and work done at the project site. If the project or work is ongoing then provide the detail status of work and financial transactions details along with Geotag photograph of the ongoing project site.*

Note: Longchem Block, Tsurangkong Block and Mangkolemba Block has already provided the information so these three block may not be included."

AND WHEREAS, on receipt of the above RTI application dated **08.03.2024** by the Public Authority on **08.03.2024** as evidenced by the receipt No. 45, since there was no response of the PIO to the above RTI application, the applicants had submitted a First Appeal dated **10.04.2024** to the FAA, Directorate of Rural Development, Nagaland for necessary action.

AND WHEREAS, on receipt of the First Appeal dated **10.04.2024** on the same date, i.e., **10.04.2024**, Shri. **K Inazhe Phuleshe**, Addl. Director & HoD/FAA, Directorate of Rural Development, Nagaland had, vide No. **DRD/RTI-AA-12/2022-2023** dated **31.05.2024** notified of the hearing of the First Appeal with the concerned parties on **05.06.2024** at **01:30 PM** at the Directorate 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 appellant) 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 08.03.2024 containing one question and on one scheme only i.e., regarding MGNREGA.

AND WHEREAS, since the applicants (now appellants) were not satisfied with the decision of the FAA, the Commission has decided to hear the above mentioned appeal by giving opportunity of being heard to all the parties on 29th October, 2024 (Tuesday) at 12:00 Noon in the *Hearing Room of Nagaland Information Commission, Nagaland Commissions' Complex, Below NBCC Convention Centre, New Capital Complex, 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 **RDO, MGNREGA**, Directorate of Rural Development, Nagaland, Kohima.
5. The applicants (now appellants), Shri. Tsuknong, H/No – 182, Lungkongmendang Ward, Tuli Mokokchung, Mobile No. 8118924953 & Shri. Tinuakum, Dilong Ward, Mokokchung, Mobile No. 9077796880.

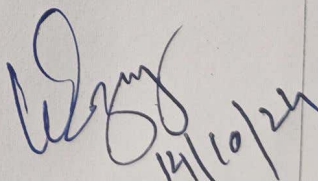
Sd/- **I. MEYIONEN JAMIR**
Chief Information Commissioner

No. NIC/APPEAL-12/2024-25 /444

Dated Kohima, the 14th October, 2024

Copy to:

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


(**WORHONTHUNG EZUNG**)
Deputy Secretary