

## NAGALAND INFORMATION COMMISSION

Nagaland Commissions' Complex

Below NBCC Convention Centre

New Capital Complex

Kohima: Nagaland-797004

Email: [cic.nagaland@gmail.com](mailto:cic.nagaland@gmail.com) | Website: [www.nlsic.nagaland.gov.in](http://www.nlsic.nagaland.gov.in)



No. NIC/APPEAL-8/2024-25

Dated Kohima, the 5<sup>th</sup> December, 2024

**Subject: - Notice for hearing on 28<sup>th</sup> January (Tuesday), 2025 at 12:00 Noon.**

WHEREAS, the Commission had received a Second Appeal dated 03.06.2024 from Shri. *Tsuknong (Tsuknungtamsu)*, Ph. No. 8118924953 and Shri. *Tinuakum*, Ph. No. 9077796880 against the unsatisfactory response of the FAA, Directorate of Rural Development, Nagaland to their First Appeal dated **14.03.2024** which was submitted against non-response of the PIO, Directorate of Rural Development, Nagaland to their RTI application dated **12.02.2024**.

AND WHEREAS, the above applicants had submitted an RTI application dated **12.02.2024** along with application fee of **Rs. 10/-** and **PHH & BPL Cards** to the PIO, Directorate of Rural Development, Nagaland, Kohima seeking the following information: -

1. *How much financial amount have been received from the Central Government by the R.D. Department under 15<sup>th</sup> Finance Commission? Provide the details of allocation of fund to each R.D. Block in Nagaland and its utilization in every village annually as per every block. Provide the details of work or project done with the sanctioned amount during 15<sup>th</sup> Finance Commission. Provide transaction details, completion certificate, Geotag photograph of signboard at the project site. If the project is ongoing then provide the detail status of work and financial transactions details along with Geotag photograph of the ongoing project site.*

AND WHEREAS, the above RTI application dated 12.02.2024 and the application fee of Rs. 10/- was received by the PIO vide Receipt No. 34 dated 12.02.2024, however, on not getting any response to their RTI application, the applicants had submitted a First Appeal dated **14.03.2024** to the FAA, Directorate of Rural Development, Nagaland.

AND WHEREAS, Smti. *Azenuo Pienyü*, Director & FAA (former), Directorate of Rural Development, Nagaland had, after hearing the above First Appeal on **10.04.2024** passed decision vide No. **DRD/RTI-AA-12/2022-23** dated **10.04.2024**, stating that: -

1. *The respondent Programme Officer, XV FC stated that the information sought for could not be furnished within the time frame since it involves a huge manpower and diverts the resources of the Public Authority citing reference to Section 7(9) of the RTI Act, 2005.*
2. *The applicant (now appellant) stated to appraise the requirement of the manpower and resources in furnishing the information.*
3. *The APIO also stated that the digital records are available but since the documents are not digitized, signature of the Officers will not be available and ration card being enclosed, the information is to be provided for free. And owing to unavailability of fund, the information cannot be furnished as it involves voluminous information which diverts the resources of the public authority. He also mentioned referring to the 1<sup>st</sup> RTI application received vide letter No. Nil dated 15.01.2024 to which it was replied quoting the same Section 7(9).*
4. *The applicant (now appellant) asked for the limit of furnishing the information cost under Below Poverty Line (BPL), BPL as citizen of India under RTI Act, 2005 and ceiling amount of the human resources and amount required for furnishing the information.*
5. *The APIO also stated that there is no such ceiling for Nagaland and that the department is not authorized to make any ceiling limit for furnishing of information cost.*

6. *The Director & FAA on observation directed the respondent to give a written explanation for the inability to furnish the information sought for under XV FC to the applicant (now appellant) within 30 (thirty) days from the date of issue of this Hearing Decision, i.e. on or before 10<sup>th</sup> May 2024 for further necessary action.*

AND WHEREAS, on not being satisfied with the decision of the FAA on the ground that it was *"totally unsatisfactory, malafide and discriminating,"* the applicants (now appellants) had preferred a Second Appeal dated 03.06.2024 to the Commission.

AND WHEREAS, the Commission had, vide directive of even No. dated 11.06.2024, directed the concerned PIO to comply with the FAA's decision at Point No. 06 *within 30 (thirty) days* from the date of receipt of its directive and to submit a copy of the written explanation furnished so to the applicants (now appellants) to the Commission for further necessary action.

AND WHEREAS, in reply to the above directive of the Commission dated 11.06.2024, Shri. *K. Inazhe Phuleshe*, Director, Directorate of Rural Development, Nagaland had, vide letter No. *DRD/FC-XV/RTI/2021-22* dated 28.06.2024, stated that as per their first reply vide letter No. *DRD/ME/RTI-27/2022-23* dated 07.02.2024, the applicants were informed that under Section 7(9) of the RTI Act, 2005, it was pragmatically impossible to furnish the information sought as it requires huge man power and will disproportionately divert resources and time of the public authority.

AND WHEREAS, in consideration of the above reply/explanation submitted by the Director, Rural Development, Nagaland, the Commission had, vide directive dated 03.07.2024, directed the FAA, Directorate of Rural Development, Nagaland to allow the applicants (now appellants) to inspect the records/ documents during office hours on a convenient date *within 1 (one) week* and thereafter submit a report of the inspection including satisfaction/ non-satisfaction of the applicants to the Commission for further necessary action.

AND WHEREAS, after having conducted the physical inspection of records on 09.07.2024 at around 01:00 PM, the applicants (now appellants) had, vide letter dated 30.07.2024, stated that they were not satisfied with the inspection of records and had requested the Commission to intervene and allow them to collect the required information using electronic devices.

AND WHEREAS, in compliance to the Commission's directive dated 03.07.2024, the Director & FAA, Directorate of Rural Development, Nagaland had, vide No. *DRD/RTI-AA-12/2022-23* dated 06.08.2024, submitted to the Commission, a copy of the Inspection Report as submitted by the RDO & APIO, FC-XV, Directorate of Rural Development, Nagaland vide No. *DRD/FC-XV/RTI-I/2021* dated 03.08.2024.

AND WHEREAS, since the applicants had, vide letter dated 30.07.2024, stated that they were not satisfied with the inspection of records on 09.07.2024 as they were not allowed to take notes or copies of documents using their electronic devices, the Commission had, vide directive of even No. dated 20.09.2024, directed the FAA to once again allow the applicants (now appellants) to inspect the records and documents using electronic devices while obtaining the information of their interest, except for those materials which falls under exempted categories under Section 8 & 9 of the RTI Act, 2005, *within 1 (one) week* from the date of receipt of its directive and thereafter to submit a report of the inspection including the satisfaction/ non-satisfaction of the applicants (now appellants) to the Commission for further necessary action.

AND WHEREAS, the applicants (now appellants) had, vide letter dated 23.10.2024, stated that in compliance to the above directive dated 20.09.2024, the FAA had allowed them to once again inspect records, take notes and pictures using their electronic devices on 25.09.2024

at around 12:00 PM at the Directorate, however the inspection was not satisfied on the following grounds: -

- a. *The record provided contained only sanction orders.*
- b. *There were no records about how much financial amount have been received from the central Government by the R.D. Department under the 15<sup>th</sup> Finance Commission.*
- c. *No records regarding transaction details, completion certificate, Geotag photograph of signboard at the project site.*
- d. *No details of sanctioned project status whether it is ongoing or completed.*
- e. *They were told to go to all the RD Blocks or districts to collect the information since all the records were not available in the Directorate.*

AND WHEREAS, since the applicants (now appellants) were still not satisfied with the inspection of records/ documents, the Commission has decided to hear the above mentioned appeal by giving opportunity of being heard to all the parties on **28<sup>th</sup> January, 2025 (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. Shri. **K. Inazhe Phuleshe**, Director & FAA, Directorate of Rural Development, Nagaland, Kohima.
2. The concerned **PIO**, Directorate of Rural Development, Nagaland, Kohima.
3. Shri. **Veduzo Sasu**, RDO & APIO, FC-XV, Directorate of Rural Development, Nagaland, Kohima.
4. The applicants (now appellants), Shri. **Tsuknong (Tsuknungtems)**, Ph. No. 8118924953 and Shri. **Tinuakum**, Ph. No. 9077796880.

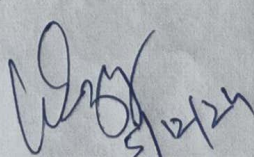
Sd/- **I. MEYIONEN JAMIR**  
Chief Information Commissioner

No. NIC/APPEAL-8/2024-25 /489

Dated Kohima, the 5<sup>th</sup> December, 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. Shri. K. Inazhe Phuleshe, Director & FAA, Directorate of Rural Development, Nagaland, Kohima.
5. The concerned PIO, Directorate of Rural Development, Nagaland, Kohima.
6. Shri. Veduzo Sasu, RDO & APIO, FC-XV, 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 (Tsuknungtems), Ph. No. 8118924953 H/No 182, Lungkongmendang Ward, Tuli, Mokokchung, Nagaland & Shri. Tinuakum, Ph. No. 9077796880, Dilong Ward, Mokokchung, Nagaland.
9. Office copy.

  
(**WORHONTHUNG EZUNG**)  
Deputy Secretary