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No. NIC/APPEAL-1/2025-26/653

Dated Kohima, the 16th June, 2025

Appellant : i) Shri. Ruokuo & party,
Mobile No. 9863492695/ 9612382471.

Respondents : (i) Smti. M. Mongna Konyak,
Additional Director (HOD) & First Appellate Authority,
Directorate of Rural Development,
Nagaland, Kohima.

(ii) Smti. K. Anenla Jamir,
Joint Director & PIO,
Directorate of Rural Development,
Nagaland, Kohima.

(iii) Shri. Hamdok M Konyak,
RDO & APIO,
Directorate of Rural Development,
Nagaland, Kohima.

Public Authority : Directorate of Rural Development, Nagaland, Kohima.

Date of hearing : 13.06.2025 at 11:00 AM.

Date of Decision : 16.06.2025

Present:

1. Smti. M. Mongna Konyak, Addl. Director (HoD) & FAA, Directorate of Rural Development, Nagaland, Kohima, Mobile No. 9436015448.
2. Smti. K. Anenla Jamir, Joint Director & PIO, Directorate of Rural Development, Nagaland, Kohima, Mobile No. 7005402500.
3. Shri. Hamdok M Konyak, RDO & APIO, Directorate of Rural Development, Nagaland, Kohima, Mobile No. 8413002024.
4. Shri. Visato John, RDA, Directorate of Rural Development, Nagaland, Kohima, Mobile No. 8258974067.
5. Smti. Akhrienuo Zehol, Junior Programme Coordinator, Directorate of Rural Development, Nagaland, Kohima-797001, Mobile No. 8414098171.
6. The applicants (now appellants), Shri. Ruokuo, Seikhazou, Kohima, Mobile No. 9863492695, Shri. Atou, High School Area, Kohima, Mobile No. 9612382471 and Shri. Kevilhoutuo, High School Area, Kohima, Mobile No. 9366106293.

FACT OF THE CASE

An applicant, Shri. Ruokuo & party had submitted a RTI application dated 17.12.2024 along with an application fee of Rs. 10/- addressed to the PIO, Directorate of Rural Development, Nagaland seeking the following information: -

1. *The complete record of amount sanctioned and received by the Rural Development Department under Grant in Aid to excluded Areas not included in part IX and X of the Constitution of India for the year 2017-2018*

2. Provide complete record of funds received under SL. No 1 for capacity building for the year 2017-2018.
3. The complete list of work orders issued under SL. No. 2.
4. The complete list beneficiaries and the APR of any transaction made under SL. No.2.
5. The complete records of works undertaken under SL. No. 2 along with photographic evidence of works undertaken and completed.
6. Provide complete record of funds received under SL. No 2 for incentives to performing VDBs-
 - a. Providing Community tractors to VDBs
 - b. Maintenance of roads/ water drainage/ footpaths/ sewage/ burial grounds drainages/community assets/storm water
 - c. Providing Solar street lightings to select VDBS for the year 2017-2018.
7. The complete list of work orders issued under SL. No. 6.
8. The complete list beneficiaries and the APR of any transaction made under SL. No.6.
9. The complete records of works undertaken under SL. No. 6 along with photographic evidence of works undertaken and completed.
10. Provide the list of beneficiaries of Community tractors and work undertaken with photographs.
11. Provide the list of burial grounds beneficiary VDBs with photographs.
12. Provide the complete list of Solar street lightings beneficiary VDBs, the number of Solar streetlight installed with photographic evidence.

On receipt of the above RTI application dated 17.12.2024 on the same day i.e., 17.12.2024, Smti. K. Anenla Jamir, Joint Director & PIO, Directorate of Rural Development, Nagaland, Kohima had, vide letter No. DRD/ME/RTI-28/2023-24 dated 07.01.2025, informed the applicants that the information sought was ready and to collect the same on payment of Rs. 286/- (Rupees two hundred and eighty six only) i.e., Rs. 2/- for 143 pages, as the cost of information.

Smti. K. Anenla Jamir, Joint Director & PIO, Directorate of Rural Development, Nagaland, Kohima had, vide letter No. DRD/GIA/RTI-98/2023-24 dated 07.01.2025, submitted the information to the RDO & PIO, Directorate of Rural Development, Nagaland, Kohima for onward forwarding to the applicants.

After payment of the cost of information for Rs. 286/-, the applicants had received the information on 28.01.2025, however, on not being satisfied with the information furnished by the PIO, the applicants had submitted a First Appeal dated 18.02.2025 addressed to the First Appellate Authority, Directorate of Rural Development, Nagaland, Kohima with the following statements: -

1. The RTI application contained 12 queries with regards to Rural Development Department under Grant in Aid to excluded Areas not included in part IX and X of the Constitution of India for the year 2017-18.
2. The application was submitted on 13/12/2024 and received by the Dept. on 17/12/2024 as per Govt. order No. DRD/ME/RTI-28/2023-24 dated Kohima the 7th January 2025.
3. The answer to the RTI queries SL. No. 2, 3, 4 and 5 was missing the records of funds received by the Department and expenditures under the scheme "Capacity building" which were withdrawn and utilized by the Directorate of Rural Department as per the information available with the Department.
4. No records of expenditures, work orders, beneficiaries, APRs, programs, photos were provided for the above stated queries.
5. The answer to the RTI query SL. No. 6 (b) was missing records of Maintenance of roads/ water drainages/ community assets/ storm water drainage/ footpaths/ sewage/ burial grounds.
6. No records of expenditures, work orders, work executed, photos were provided for the above stated query.

7. The answer to the RTI query SL. No. 12 was missing the list of burial grounds beneficiary VDBs with photographs.

On receipt of the above First Appeal, Smti. M. Mongna Konyak, Addl. Director & HoD/FAA, Rural Development, Nagaland, Kohima had, vide letter No.DRD/RTI-AA-12/2022-2023 dated 18.03.2025, notified the PIO, APIO, and the applicants for a hearing of the First Appeal on 20.03.2024 at 02:30 PM in the office chamber of the FAA.

After the hearing of the First Appeal on 20.03.2025, the FAA had passed decision vide No.DRD/RTI-AA-12/2022-2023 dated 28.03.2025, wherein the PIO was directed to furnish the information concerning the unsatisfied queries pertaining to query Nos. 2, 3, 4, 5, & 6(b) to the applicants (now appellants) within 30 (thirty) days i.e. on or before 19.04.2025.

On receipt of the information relating to Query Nos. Nos. 02, 03, 04, 05, 6(b), 11 & 12 on Grant-in-Aid received by the Department during 2017-18 from the RDO & APIO, vide letter No.DRD/RTI-AA-12/2014-15/29 dated 15.04.2025, and in compliance to the above directive of the FAA, Smti. K. Anenla Jamir Joint Director & PIO, Rural Development, Nagaland, Kohima had, vide letter No.DRD/RTI-AA-12/2022-23 dated 15.04.2025, informed the applicants that the information sought was ready and to collect the same from the RTI Cell during office hours.

On receipt of the above information, the applicants (now appellants) had submitted a Second Appeal dated 01.05.2025 to this Commission as they were not satisfied with the information on the following grounds: -

1. *The information provided is incomplete. As per record provided by the PIO, the total amount received under Capacity building was Rs. 5,00,00,000/-. And the total expenditure was Rs. 2,41,62,180/-. Thus there is a misappropriation of Rs. 2,58,37,820/-. No record of these missing amount was provided by the PIO.*
 - *Records of incentives to performing VDBs - Maintenance of roads/ water drainages/ storm drainages/ footpaths/ sewage/ burial grounds provided was very suspicious and doubtful.*
 - *The amount sanctioned for works and the quality of work executed does not tally/ match.*
 - a. *Construction of Farmer's market, the amount sanctioned was Rs. 1,00,00,000/- (one crore) but the quality of work executed does not quantify the amount sanctioned.*
 - b. *A single water harvesting tank constructed at a cost of Rs. 20,00,000/- (Twenty lakhs).*
 - c. *Fishery ponds (4 Nos) constructed at a cost of Rs. 36,00,000/- (thirty six lakhs).*
 - d. *Afforestation works ranging from Rs. 25,00,000/- (twenty five lakhs) to Rs. 50,00,000/- (fifty lakhs).*
 - e. *Renovation of waiting sheds @ Rs. 10,00,000/- (ten lakhs).*
 - *We are appalled and shocked with the amount sanctioned and the quality of work executed by the Department.*
2. *The information was denied without a valid reason. The FAA directed the appellants to approach the VDBs and block office to seek remaining information, when our RTI application was addressed to the PIO and not the VDBs or the block office.*

Since the applicants (now appellants) were still not satisfied with the information furnished by the public authority, the Commission had decided to hear the above mentioned appeal by giving opportunity of being heard to all the parties on **13th June, 2025 (Friday) at 11:00 AM** in the **Hearing Room of Nagaland Information Commission, Nagaland Commissions' Complex, Below NBCC Convention Centre, New Capital Complex, Nagaland, Kohima** and had also 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.

1. Smti. M. Mongna Konyak, Addl. Director & HoD/FAA, Rural Development, Nagaland, Kohima.
2. Smti. K. Anenla Jamir, Joint Director & PIO, Directorate of Rural Development, Nagaland, Kohima.
3. Shri. K. Shongmao, RDO & APIO, GIA, Directorate of Rural Development, Nagaland, Kohima.
4. The applicants (now appellants), Shri. Ruokuo & Party, Mobile No. 9863492695/9612382471.

OBSERVATIONS AND FINDINGS:

The Commission observed that on receipt of the RTI application dated 17.12.2024 on the same day, Smti. K. Anenla Jamir, Joint Director & PIO had promptly furnished the information to the applicant on **07.01.2025**, which was within the 30 days time limit, hence there is **no delay**. Further, it observed that in the first appeal dated 18.02.2025 since the applicants were not satisfied with the query Nos. 2, 3, 4, 5, & 6(b), after the FAA's hearing, the PIO had on **15.04.2025**, again furnished further information pertaining to the query Nos. 2, 3, 4, 5, 6(b), 9, 11 and 12 to the applicants (now appellants).

During the hearing, Shri. Ruokuo, the applicant (now appellant) stated that he was not satisfied with the information furnished by the PIO pertaining to the Capacity Building and the records of funds relating to *Maintenance of roads/ water drainage/ footpaths/ sewage/ burial grounds drainages/community assets/storm water*.

The Commission observed that since the applicant(now appellant) had **not mentioned specific query Nos.** in his second appeal, the Commission asked, if the points of appeal were against the above two (2) queries i.e. **Nos. 2 and 6(b) only**, to which the applicant (now appellant) confirmed that he was not satisfied with the replies to these two (2) queries only.

Regarding the reply to **query No. 2**, the applicant (now appellant) stated that he was still not satisfied since the funds received for Capacity Building was **Rs. 5,00,00,000/-** and the total expenditure for only Rs. 2,41,62,180/- were given, whereas the records for the remaining amount of Rs. 2,58,37,820/- was not furnished. He had also stated that he was given double xerox copies of some pages.

In response, Smti. K. Anenla Jamir, Joint Director & PIO, Directorate of Rural Development, Nagaland, Kohima explained that the Capacity Building was conducted at the NBCC Convention Centre, Kohima in 2018 and whatever information available had been furnished to the applicant (now appellant). She also informed that those officers who dealt with the matter have already been retired and the new incumbents have no knowledge if the records are available.

The Commission observed that when the department had received the amount for the Capacity Building and programmes had been conducted, the submission of the PIO that records were not available was not tenable.

On the reply to **query No. 6 (b)**, relating to the Grant in Aid (GIA), the applicant (now appellant) stated that he had sought for only one year i.e. 2017-18, however the PIO had furnished him the information for three (3) years i.e. for 2014-15, 2015-16 and 2017-18. He had also pointed out that under the "*Incentives to performing VDBs - Records of funds relating to Maintenance of roads/ water drainage/ footpaths/ sewage/ burial grounds drainages/community assets/storm water*" an amount of **Rs. 45,02,86,000/-** was allotted, however the works were executed not as per the guidelines and besides other works were executed such as *Construction of Farmer's market, water harvesting tank, Fishery ponds, afforestation works and Renovation of waiting sheds*. Further, he alleged that the amount sanctioned for the works and the quality of work executed did not tally or match. He also stated that the information regarding solar lights was not sought, but the PIO had already given to him and hence did not appeal.

Smti. K. Anenla Jamir, Joint Director & PIO, Directorate of Rural Development, Nagaland, Kohima explained that under SFA, since a one-time grant was received for the three (3) years i.e. 2014-15, 2015-16 and 2017-18, the information for the grant received was furnished for the three years accordingly. On the allegation that the amount sanctioned for works and the quality of work executed did not tally or match, she stated that she did not have any reply since it was vague. She had further informed that the direction of the FAA to approach the VDBs and the Blocks was done in good faith and there was no malafide intention since the works were done by the VDBs and the VCC and had already been audited. She further stated that the information regarding solar lights was furnished in response to the previous RTI application of the applicant (now appellant).

Shri. Visato John, RDA, Directorate of Rural Development, Nagaland, Kohima also added that since the applicant (now appellant) had received the information for the three years, they can also extract from the records for the year 2017-18. He further stated that for the Capacity Building, advertisement was made in the papers and conducted at NBCC in 2018 but those officers had now retired.

The applicant (now appellant) submitted that he had specifically wanted the information for the period **2017-18 only** and hence requested that the information for 2017-18 be taken out of the three years and furnish it to him as sought.

The Commission observed that since all the works have been done and audited and there was no audit objection or complaints, the information need to be provided. However, on the allegations regarding the mis-match of the amount sanctioned for works and the quality of work executed, the Commission enlightened that the Commission's role is to ensure that the applicants get the information, however it has no jurisdiction to interrogate or investigate regarding the mis-match amounts or misappropriation, and therefore, the applicant (now appellant) has the liberty to approach appropriate forum, if he so desire.

DECISION

On the above observations and findings, the Commission decided that:-

1. On **query No.2**, regarding Capacity Building, the public authority shall make efforts to locate the missing records for the remaining amount of Rs. 2,58,37,820/- and furnish it to the applicants (now appellants) free of cost **within three (3) weeks** from the date of receipt of this Decision and with a copy to this Commission.
2. For **query No. 6(b)**, since the applicant (now appellant) had sought and desired the information for only 2017-18, the public authority shall, out of the three years records separate out the information for 2017-18 only and furnish to the applicant (now appellant) free of cost **within three (3) weeks** from the date of receipt of this Decision and with a copy to this Commission.
3. On receipt of the above information from the public authority, the applicant(now appellant) shall submit satisfaction or non-satisfaction to the PIO and with a copy to this Commission **within ten (10) days** from the date of receipt of the information.

Decision pronounced in the presence of both the parties on 13.06.2025 at 11:00 AM.

Copies be given to:

1. Smti. M. Mongna Konyak, Addl. Director (HoD) & FAA, Directorate of Rural Development, Nagaland, Kohima, Mobile No. 9436015448.
2. Smti. K. Anenla Jamir, Joint Director & PIO, Directorate of Rural Development, Nagaland, Kohima, Mobile No. 7005402500.
3. Shri. Hamdok M Konyak, RDO & APIO, Directorate of Rural Development, Nagaland, Kohima, Mobile No. 8413002024.

4. The Computer Programmer, Nagaland Information Commission for uploading on the website.
5. The applicants (now appellants), Shri. Ruokuo & Party, Seikhazou, Kohima, Mobile Nos. 9863492695/ 9612382471.
6. Office Copy.

Sd/-

KEVISA KENSE (IAS Retd.)
Chief Information Commissioner

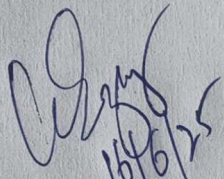
Sd/-

T. KEKONGCHIM YIMKHIUNG
State Information Commissioner

Sd/-

NOSAZOL CHARLES
State Information Commissioner

Authenticated true copy:


(Worhonthung Ezung)
Deputy Secretary