

**NAGALAND INFORMATION COMMISSION**

**Below Raj Bhavan, Officers' Hill Colony**

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No. NIC/Appeal-8/2018-19

Dated Kohima, the 20<sup>th</sup> February, 2019

Appellant : Shri. Renet N dang,  
Peren Kipeujang Village,  
House No.40,  
Peren Town-797101,  
Nagaland,  
email:renetndang@gmail.com,  
Mobile No.9436015902.

Respondents : 1) Chief Engineer & FAA,  
Water Resource Development,  
Nagaland, Kohima.  
  
2) Executive Engineer & PIO,  
Water Resource Development, Jalukie, Peren district.

Public Authority : Water Resource Development, Jalukie, Peren district.

Date of first hearing : 16.10.2018 at 1:00 PM.

Date of first Decision : 26.10.2018.

Date of second hearing : 14.02.2019 at 12:00 PM.

Date of second Decision : 20.02.2019.

Present:

1. Er. Tsuktinungsang, Chief Engineer & FAA, Water Resource Development, Nagaland, Kohima, Mobile No. 9436006051.
2. Er. Vikehiehol, Executive Engineer & PIO, Water Resource Development, Jalukie, Peren District, Mobile No. 8119000649.
3. The applicant (now appellant), Shri. Renet N dang, Peren Kipeujang Village, House No. 40, Peren Town-797101, Nagaland, Mobile No. 9436015902, email:renetndang@gmail.com.

**FACT OF THE CASE**

The Commission had, on 16.10.2018 at 1:30 P.M. heard the second appeal dated 08.08.2018 submitted by Shri. Renet, Perenkipeuzang Village, House No. 40, Peren Town, Nagaland, Mobile No.9436015902, email:renetndang@gmail.com against the non-satisfaction of the information furnished by the Chief Engineer, Water Resources, Nagaland, Kohima in response to his RTI application dated 06.04.2017 which was submitted to the PIO, Water Resources, Jalukie, Peren, Nagaland.

After the hearing on 16.10.2018 at 1:00 P.M, the Commission had passed decision of even No. dated 26.10.2018.

In compliance to the **Point No. 1** of the decision of the Commission dated 26.10.2018, Er. Vikehiehol, Executive Engineer & PIO, Water Resources, Jalukie, Nagaland had, vide letter No.WRD/JLK/TECH-7/2018-19/210 dated 12.11.2018 re-furnished the information for query Nos. 1, 3, 5 and 6 to the applicant (now appellant) and with a copy to the Commission.

In compliance to the **Point No. 2** of the decision of the Commission dated 26.10.2018, the applicant (now appellant), Shri. Renet N dang had, vide e-mail dated 02.12.2018 stated that he had received the above information from the Executive Engineer & PIO, Water Resources, Jalukie on 15.11.2018, and on receipt of the information, he had written a letter dated 19.11.2018 to the Executive Engineer & PIO, Water Resources Department, Jalukie requesting for spot verification of works

mentioned in his RTI application. He further stated that the Executive Engineer & PIO, Water Resources, Jalukie had received his letter on 19.11.2018, however since there was no response from the PIO, he was not satisfied with the information.

In compliance to the **Point No. 3** of the decision of the Commission dated 26.10.2018, Er. Tsuktinungsang, Chief Engineer & FAA, O/o the Chief Engineer, Water Resources, Nagaland, Kohima had, vide letter No.IFC/RTI/TECH/Case No.1/2017-18/ 3611-13 dated 17.10.2018 submitted to the Commission that on inquiry of the First Appeal which the applicant (now appellant) had reportedly sent by speed post No. EE4598920821IN, it was found that the letter was traced out from the Post Office, New Secretariat Complex, Sub Post office branch, Kohima, 797004 and that the first appeal was addressed to the Commissioner & Secretary, Rural Development Department, thus indicating that the First Appeal was not filed to the First Appellate Authority, Water Resources Department.

Since the applicant (now appellant) is not satisfied with the information re-furnished by the Executive Engineer & PIO, Water Resources, Jalukie, the Commission had decided to hear the appeal case giving opportunity of being heard to all the parties on **14<sup>th</sup> February, 2019 (Thursday) at 12:00 Noon** in the **Hearing Room of Nagaland Information Commission, below Raj Bhavan, Officers' Hill Colony, Nagaland, Kohima** and also directed the parties to bring the files and relevant documents in question for scrutiny on the above date and time for hearing:-

- i. Er. Tsuktinungsang, Chief Engineer & FAA, Water Resources, Nagaland, Kohima.
- ii. Er. Vikehiehol, Executive Engineer & PIO, Water Resources, Jalukie, Peren, Nagaland.
- iii. The applicant (now appellant), Shri. Renet, Perenkipeuzang Village, Peren, Nagaland.

#### **OBSERVATIONS AND FINDINGS:**

During the hearing, the applicant (now appellant) stated that on receipt of the information on 15.11.2018 which the EE & PIO had re-furnished on 12.11.2018, he had written a letter dated 19.11.2018 to the Executive Engineer & PIO, Water Resources Department, Jalukie requesting for spot verification of works mentioned in his RTI application, however, since there was no response from the PIO, he was not satisfied with the information.

The Commission explained that inspection of works, documents and records are allowed under Section 2(j)(i) of the RTI Act, 2005, however, in the present case, the Commission had dismissed the non-satisfaction of the applicant (now appellant) regarding the non-response of the PIO to his request for inspection or spot verification since he had not sought for inspection of the works in his original RTI application dated 06.04.2017, and that the applicant (now appellant) cannot seek additional information or queries at the time of appeal.

On the above explanation of the Commission regarding the inspection of works, the applicant (now appellant) had expressed **satisfaction** with the information so furnished to him.

Regarding the non-receipt of the First Appeal, since the applicant(now appellant) had submitted that the Chief Engineer had received it vide Speed Post Number EE4598920821IN, the Commission had, in good faith registered the case. However, as per the inquiry report, the applicant (now appellant) had not preferred any First Appeal before the First Appellate Authority, Water Resources Department. Therefore, the Commission warned the applicant(now appellant) of misleading the Appellate Authorities and further cautioned him to follow the due process of the RTI in future.

The Commission observed that since the information regarding query Nos. 1 and 2 were relating to Peren District, Er. Vikehiehol, Executive Engineer & PIO, Water Resource Development, Jalukie, Peren could have furnished them and whereas those information not dealt by or available in his Office should have been transferred under Section 6(3) of the RTI Act, 2005.

During the hearing, Er. Vikehiehol, Executive Engineer & PIO, Water Resource Development, Jalukie, Peren admitted that he was not aware of the provisions for transfer of RTI application in the RTI Act.

The Commission further observed that from the date of receipt of the RTI application dated 06.04.2017 on 07.04.2017 to the date of furnishing the information to the applicant on 13.06.2017, and considering the 30 days time for the PIO to furnish the information, there was delay of thirty six (36) days for which penalty was attracted.

**DECISION:**

On the above observations and findings, the Commission had decided that under Section 20 (1) of the RTI Act 2005, penalty at the rate of Rs. 250/- per day of delay of **thirty six (36) days**, amounting to **Rs. 9000/-** (Rupees nine thousand only) is imposed on Er. Vikehiehol, Executive Engineer & PIO, Water Resource Development, Jalukie, Peren for contributing to the delay in furnishing the information to the applicant (now appelland) without reasonable cause.

The penalty amount shall be deposited into the Government account through **treasury challan** in favour of the Consultant (Accounts), Nagaland Information Commission, Kohima under the Head of Account given below, with a copy of the **treasury challan**(in original) to this Commission:-

0070 - Other Administrative Services  
60 - Other Services  
118 - Receipts under RTI Act, 2005

The above compliance shall be submitted to this Commission **within twenty (20) days** from the date of receipt of this decision.

On receipt of the above penalty, the Commission shall close the case, since the applicant(now appelland) had expressed satisfaction with the information.

Decision pronounced in the presence of both the parties on 14.02.2019 at 12:00 PM.

Copy be given to:-

1. Er. Tsuktinungsang, Chief Engineer & FAA, Water Resource Development, Nagaland, Kohima, Mobile No. 9436006051.
2. Er. Vikehiehol, Executive Engineer & PIO, Water Resource Development, Jalukie, Peren District, Mobile No. 8119000649.
3. The applicant (now appelland), Shri. Renet Nandang, Peren Kipeujang Village, House No. 40, Peren Town-797101, Nagaland, Mobile No.9436015902, email:renetndang@gmail.com
4. The Consultant (Accounts), Nagaland Information Commission for information.
5. The Computer Programmer, Nagaland Information Commission for uploading on the Commission's website and Notice Board.
6. Office Copy.

Sd/-  
**CHANBEMO LOTHIA**  
Chief Information Commissioner

Sd/-  
**G. H. RAMLIA**  
State Information Commissioner

Sd/-  
**KEVIZATUO MIACHIEO**  
State Information Commissioner

Authenticated true copy:-

**(WORHONTHUNG EZUNG)**  
Secretary