

**NAGALAND INFORMATION COMMISSION**

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

**Post Box No. 148**

**Nagaland, Kohima-797001**

**Tel: 0370-2242366 | Fax: 0370-2242368**

*Email: cic.nagaland@gmail.com | Website: www.nlsic.nagaland.gov.in*

*Facebook: Nagaland Information Commission | Twitter: nlsic\_nagaland*



No. NIC/Appeal-8/2018-19

Dated Kohima, the 26<sup>th</sup> October, 2018

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

Respondents : 1) Director & 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 hearing : 16.10.2018 at 1:30 PM.

Date of Decision : 26.10.2018.

Present:

1. Er. Tsuktinungsang, Chief Engineer & FAA, Water Resource Development, Nagaland, Kohima, Mobile No. 9436006051.
2. Er. Vikehiehoh, 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**

An applicant, Shri. Renet N dang had submitted an RTI application dated 06.04.2017 addressed to the PIO, Irrigation and Flood Control (now Water Resources), Jalukie, Peren, Nagaland along with application fee of Rs.10/- seeking the following information:-

1. *Kindly provide the details of work taken up in Peren district under Accelerated Irrigation Benefits Programme (AIBP) with project report and financial report of each individual project?*
2. *Kindly provide details of individual to whom the work was allocated under AIBP in Peren district?*
3. *Kindly Provide the details of work taken up in Peren under Flood Management Programme with project reports and financial report of each individual project?*
4. *Kindly provide the details of work taken up in Peren district under Command Area Development and Water Managment Programme with project reports and financial report of each individual project?*
5. *Kindly provide the details of work taken up in Peren district under Hydrology Programme with project reports and financial report of each individual project?*
6. *Kindly provide the details of work taken up in Peren district under North East Council (Non-Lapsable Central Pool of resources) with project reports and financial report of each individual project?*

The above RTI application dated 06.04.2017 was received by the Surveyor on the same day as evidenced on the body of the said application addressed to the PIO, Irrigation and Flood Control (now Water Resources), Jalukie, Peren, Nagaland.

The Chief Engineer & FAA, Irrigation & Flood Control, Nagaland, Kohima had on 25.05.2017 received a first appeal from the applicant which was sent by speed post bearing No. EE459892082IN. However, a copy of the first appeal was not enclosed.

On receipt of the second appeal, since the first appeal was not found enclosed by the applicant (now appellant), the Commission had through e-mail dated 26.09.2018 asked the applicant (now appellant) to submit a copy of the first appeal addressed to the Chief Engineer, Irrigation & Flood Control Department (now Water Resources Department), Nagaland, Kohima.

On receipt of the e-mail, the applicant (now appellant) had, through e-mail submitted that he could get the speed post tracking No.EE459892082IN which was received by the Chief Engineer Office Irrigation and Flood Control, Nagaland, Kohima on 25.05.2017 and the information furnished on 13.06.2017.

The Chief Engineer, Irrigation and Flood Control (now Water Resources), Nagaland, Kohima had, vide letter No. IFC-RTI-TECH/Case No.1/2017-18/889-90 dated 13.06.2017 furnished the information to the applicant and with a copy to the Under Secretary to the Govt. of Nagaland, Irrigation & Flood Control Department (now Water Resources Department), Nagaland, Kohima.

On receipt of the above information on 13.06.2017 from the Chief Engineer, Irrigation and Flood Control, Nagaland, Kohima, the applicant had submitted a second appeal dated 08.08.2018 before the Commission stating that he was not satisfied with the information since the information provided to him was not true and did not match with the actual projects sanctioned.

Since the applicant (now appellant) was not satisfied with the delayed information furnished by the Chief Engineer & FAA, the Commission has decided to hear the appeal case giving opportunity of being heard to all the parties on **16<sup>th</sup> October, 2018 (Tuesday) at 1:00 P.M.** 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. The Chief Engineer & FAA, Irrigation & Flood Control (now Water Resources), Nagaland, Kohima.
- ii. The PIO, Irrigation & Flood Control, (now 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) pointed out that out of the six (6) queries sought, reply to only two (2) queries were furnished and that too not satisfied since all the details were not given.

1. Query No. 1 – Project Report was given and was satisfied however the financial report was not satisfied since there were some irregularities and were not in details.
2. Query No. 2 – satisfied.
3. Query No. 3, 4, 5 and 6 replies were given NIL, though the projects were completed.

Er. Tsuktinungsang, Chief Engineer & FAA, Water Resource Development, Nagaland, Kohima clarified that in reply to **query No. 3**, it was erroneously given NIL due to oversight, however it was not intentional. He stated that there was only one (1) project under the FMP (Flood Management Programme) in Peren and was implemented by the Investigation Cell in Dimapur. The project was completed and was mentioned in the Work Memo, however due to the transfer and posting of the officers, there was some gap in furnishing the information. He further stated that the information could be re-furnished to the applicant.

Regarding **Query No. 4**, the FAA informed that the CAD (Common Area Development) programme has not been implemented due to funding pattern, hence the NIL reply. The applicant(now appellant) had also expressed satisfaction with the above explanation of the FAA.

Regarding **Query No. 5**, the FAA stated that the Hydrology Programme was under the NHP3 and was in nascent stage in the North East. It was yet to be implemented since the GIS mapping of all

rivers and uploading on the website was not completed. He, however, informed that though funds had been received from the World Bank and some expenditure already been incurred on motor vehicles, software purchases and trainings, no civil works have been taken up.

The FAA stated that **Query No. 6** referred to NLCPR (Non Lapsable Central Pool of Resources) under the North East Council. Works were taken up only upto 2007 and since there were no new projects or works taken up under the NLCPR since 2008 till date, NIL reply was given. However, on the query of the applicant as to why there were some works executed even beyond 2007, the FAA clarified that Work Orders were issued and sanctioned during and before 2007, however the works continued beyond 2007.

During the hearing, Er. Vikehiehol, Executive Engineer & PIO, Water Resource Development, Jalukie, Peren submitted that on receipt of the RTI application dated 06.04.2017 on 07.04.2017, he had, vide letter No. IFC/Jlk/Tech-7/2013-14 dated 10.04.2017 wrote to the PIO in the Office of the Chief Engineer, Nagaland, Kohima to obtain the information available in the CE Office. On receipt of the above letter of the Executive Engineer, Peren on 13.04.2017, the PIO, Office of the Chief Engineer, Nagaland, Kohima had, on the same day, vide letter No. IFC-RTI-TECH/Case No. 1/2017-17/80 dated 13.04.2017 wrote to the Executive Engineer, Peren to furnish the information relating to **query Nos. 1 and 2** from his (Peren) division, while the Query Nos. 3, 4, 5 and 6 were mentioned as NIL. As requested, the Executive Engineer, Peren had, vide letter No. IFC/JLK/TECH-7/2013-14 dated 08.06.2017 submitted the information relating to query Nos. 1 and 2 to the PIO in the Office of the Chief Engineer, Nagaland, Kohima. On receipt of the information for Query No. 1 and 2 from the Executive Engineer, Peren, the Chief Engineer Office had, vide letter No. IFC-RTI-TECH/Case No.1/2017-18/889-90 dated 13.06.2017 furnished the information to the applicant.

The Commission observed that the Executive Engineer & PIO, Peren should have, under Section 6(3) of the RTI Act, 2005 transferred the RTI application to the CE Office if the information were dealt by or available in the CE Office. However, due to the several correspondences between the Executive Engineer, Peren and the CE Office as seen above, delay was caused in furnishing the information to the applicant (now appellant), for which penalty was attracted.

On the issue regarding the first appeal supposedly filed by the applicant, the FAA stated that the first appeal was never received from the applicant. The FAA informed that on receipt of the Notice for hearing, an inquiry was even made at the main post office in Shillong, however there was no such letter (first appeal) as stated by the applicant.

The Commission informed that the office building was completely burnt down on 02.02.2017 during the public unrest related to the ULB election. The applicant had filed the second appeal before the Commission by e-mail on **18<sup>th</sup> July, 2017** which was during the period when the Commission was without any office or computer and internet facility. Basing on the submission of the applicant that he had sent the first appeal to the Chief Engineer & FAA, Irrigation & Flood Control, Nagaland, Kohima by speed post bearing No. EE459892082IN and which was received by the Chief Engineer Office Irrigation and Flood Control, Nagaland, Kohima on **25.05.2017**, the Commission observed that the second appeal was filed within the 90 days as stipulated in the RTI Act, 2005. It was only after the re-establishment of its office and installed computers and internet connection, the Commission had registered the case for hearing.

### **DECISION:**

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

1. Since the applicant(now appellant) had expressed satisfaction with the reply to query Nos. 2 and 4, Er. Vikehiehol, Executive Engineer & PIO, Water Resource Development, Jalukie, Peren shall re-furnish the information for the following queries to the applicant(now appellant) **within 20 days** from the date of receipt of this decision and with a copy to this Commission:-
  - a. Query No. 1 – financial report to be furnished.
  - b. Query No. 3 – the information to be re-furnished.
  - c. Query No. 5 –whatever expenditure incurred so far, though not necessarily Civil Works, under the Hydrology Program to be furnished.
  - d. Query No. 6 –whatever works continued beyond 2007 to be furnished.
2. On receipt of the information from the PIO, the applicant(now appellant) shall submit his satisfaction or non-satisfaction of the information to the PIO and with a copy to this Commission **within 15 days**.

3. Regarding the non-receipt of the first appeal, the Chief Engineer & FAA is directed to inquire into the non-receipt of the first appeal and inform the Commission accordingly.

On receipt of the above compliances, the Commission shall hear the case again in the next hearing which shall be notified later.

Decision pronounced in the presence of both the parties on 16.10.2018.

Copy be given to:-

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

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

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

Authenticated true copy:-

**(WORHONTHUNG EZUNG)**  
**Secretary**