



NAGALAND INFORMATION COMMISSION

**Old Secretariat Complex,
Post Box No. 148**

Nagaland, Kohima - 797001.

Tel: 0370-2291798, Fax: 2291774, Website: www.nlsic.gov.in

No. NIC/Appeal-18/2012-13

Dated Kohima, the 17th January, 2013.

Subject: Notice for hearing on 30th January, 2013 (Wednesday) at 12:30 PM.

WHEREAS under Section 19 of the Right to Information Act, 2005, the Nagaland Information Commission have received a second appeal vide No. MSU/RTI/2-12-13 dated 13.12.2012 from an appellant, Shri. Tiasunep, President, on behalf of Molungyimsen Students' Union, Molungyimsen village, P.O. Tuli, District: Mokokchung, Mobile No. 9436812064, wherein the applicant (now appellant) stated that they were not satisfied with the reply of the Chief Engineer & First Appellate Authority, PHED, Nagaland, Kohima vide letter No. CE/PHE/RTI/2005/1061-64 dated 19.11.2012 to their first appeal vide No. MSU/RTI/2012-13 dated 26.09.2012 and also that the information provided by the Addl. Chief Engineer & PIO, Office of the Chief Engineer, PHED, Nagaland, Kohima vide letter No. CE/PHE/RTI/2005/338 dated 19.09.2012 to their RTI application letter dated 17.08.2012 was incomplete.

AND WHEREAS Shri. Tiasunep, President, on behalf of Molungyimsen Students' Union, Molungyimsen village, P.O. Tuli, District: Mokokchung, Mobile No. 9436812064, had earlier submitted a RTI application dated 17.08.2012 to the PIO, Public Health Engineering Department, Nagaland, Kohima, seeking information on the following queries:-

- (a) Relevant documents relating to "Augmentation of Water Supply to Molungyimsen Village amounting to Rs. 106.60 lakhs under Works Programme 2009-10".
- (b) Physical and financial progress.
- (c) Work order, supply order & materials acquisition/requisition order.
- (d) Payment release (to whom and when).
- (e) Detail specification of material supplied with rate and quality of material.
- (f) If the amount diverted to some other scheme, to which scheme it was diverted and the reason thereof along with the approval of the authority?
- (g) The reason for delay in implementing the project.
- (h) Photocopies of the measurement book against the scheme.

AND WHEREAS on receipt of the above RTI application dated 17.08.2012 in the Office of the Chief Engineer, PHED, Nagaland, Kohima vide receipt No.234 dated 17.08.2012, Er. K. Ghushito Sumi, Addl. Chief Engineer & PIO, PHED, Nagaland, Kohima, had vide letter No. CE/PHE/RTI/2005/338 dated 19.09.2012, furnished the information as follows:

- (a) Copy of Technical sanction for water supply to Molungyimsen Village;
- (b) Scheme completed during 2009-10;
- (f) No diversion of fund was allowed by the Head Office.

Further, the applicant was informed that reply to Queries (c), (d), (e), (g) & (h) can be made available by the Executive Engineer, PHED, Mokokchung, who is maintaining all the records.

AND WHEREAS the applicant had earlier submitted to the Nagaland Information Commission vide letter No. MSU/RTI/2012-13 dated 24.09.2012, stating that the information furnished by Er. K. Ghushito Sumi, Addl. Chief Engineer & PIO, PHED, Nagaland, Kohima, was incomplete. However, the Commission advised the applicant to prefer First Appeal to the Chief Engineer & FAA, PHED, Nagaland, Kohima vide letter of even No. dt.22.10.2012. And also at the same time, the Commission, had in a separate letter of even No. dt.22.10.2012 directed the Addl. Chief Engineer & PIO, PHED, Nagaland, Kohima to transfer Queries (c), (d), (e), (g) & (h), to the Executive Engineer, PHED, Mokokchung, for onward furnishing of the

information to the applicant within one month from the date of receipt of the Commission's directive and under intimation to the Commission.

AND WHEREAS, on the advice of the Commission, the applicant, on behalf of the organisation, had accordingly filed First Appeal to the Chief Engineer & FAA, PHED, Nagaland, Kohima vide letter No. MSU/RTI/2012-13 dated 26.09.2012.

AND WHEREAS, in compliance to this Commission's directive, Er. K. Ghushito Sumi, Addl. Chief Engineer & PIO, PHED, Nagaland, Kohima, also transferred the unanswered Queries to the Executive Engineer, PHED, Mokokchung division vide letter No. CE/PHE/RTI/2005/904-06 dated 06.11.2012, with a request to furnish the information from his end within one month i.e. 30.11.2012 and with a copy to the Commission. However, the information has not been provided till date.

AND WHEREAS, in response to the First Appeal vide No. MSU/RTI/2012-13 dated 26.09.2012, the Chief Engineer & First Appellate Authority, PHED, Nagaland, Kohima had vide letter No. CE/PHE/RTI/2005/1061-64 dated 19.11.2012 replied to the applicant (now appellant) reiterating the reply given by the PIO stating that most of the queries sought concerned the PHED, Mokokchung division. Secondly, the Chief Engineer & FAA, PHED, Nagaland, Kohima, maintained that as per Section 3 of the RTI Act, 2005, a Union such as Molungyimsen Students' Union is not entitled/eligible to the information under the RTI, since, the aforementioned section has provisions for the Rights of citizens only to obtain information but does not say "Organisation" or "Union" or "Association" or such collective body.

AND WHEREAS the Nagaland Information Commission has decided to hear the appeal, giving opportunity to the parties on **30th January, 2013 (Wednesday) at 12:30 PM** in the **Hearing Room of the Nagaland Information Commission, Old Secretariat Complex, Kohima.**

NOW THEREFORE, it is notified that the following concerned 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 Chief Engineer & First Appellate Authority, PHED, Nagaland, Kohima;
2. The Addl. Chief Engineer & PIO, Office of the Chief Engineer, PHED, Nagaland, Kohima;
3. The Executive Engineer, PHED, Mokokchung Division; and
4. The appellant, Shri. Tiasunep, President, and others, Molungyimsen Students' Union, Molungyimsen village, P.O. Tuli, District: Mokokchung, Mobile No. 9436812064.

(WORHONTHUNG EZUNG)
Under Secretary

Copy to:-

1. The P.P.S. to the Hon'ble Chief Information Commissioner, Nagaland Information Commission for kind information of the CIC.
2. The P.A to the State Information Commissioner(K), Nagaland Information Commission for kind information of the SIC.
3. The P.A to the State Information Commissioner(B), Nagaland Information Commission for kind information of the SIC.
4. Office Copy.
5. Notice Board.