

NAGALAND INFORMATION COMMISSION
Old Secretariat Complex,
Post Box No. 148
Nagaland, Kohima - 797001.
Tel: 0370-2291041, Fax: 0370-2291774, Website: www.nlsic.gov.in



No. NIC/Appeal-11/2014-15

Dated Kohima, the 17th November, 2014.

Appellant: Shri. Vikheto Zhimomi,
P.R Hill Colony,
Kohima,
Mobile No. 9615115300, 9089896123

Respondent(s): 1) Er. Njilo Kemp,
Chief Engineer & First Appellate Authority,
Irrigation & Flood Control,
Nagaland, Kohima.

2) Er. Eyono-o Kharutso,
S. E & PIO,
Office of the Chief Engineer,
Irrigation & Flood Control,
Kohima, Nagaland.

Public Authority: Irrigation & Flood Control,
Nagaland, Kohima.

Date of hearing: 13.11.2014 at 1:30 PM.

Date of Decision: 17.11.2014.

Present:

1. Er. Njilo Kemp, Chief Engineer & FAA, Irrigation & Flood Control, Nagaland, Kohima.
2. Er. Eyono-o Kharutso, S.E & PIO, Office of the Chief Engineer, Irrigation & Flood Control, Nagaland, Kohima.
3. The applicant(now the appellant), Shri. Vikheto Zhimomi, P.R Hill Colony, Kohima, Mobile No. 9615115300, 9089896123.

FACT OF THE CASE

An applicant, Shri. Vikheto Zhimomi, P.R Hill Colony, Kohima, Mobile No. 9615115300, 9089896123 had submitted a RTI application dated 19.06.2014, addressed to the PIO, Directorate of Irrigation & Flood Control, Nagaland, Kohima alongwith the prescribed fee of Rs. 10/- paid in cash requesting for the following information:-

1. Kindly furnish the code of payment, norms and guideline against AIBP under flagship of Bharat Nirman Programme.
2. Please furnish the sanction order from the Govt. of India and its State matching share during 2012-13 under AIBP.
3. How many projects have been selected under AIBP during 2012-13? Please provide me the list of projects alongwith the names of beneficiaries district-wise.
4. Kindly provide me the district-wise fund allocation under AIBP during 2012-13.
5. Furnish the total amount given in cash/cheque and materials supply to each project under AIBP during 2012-13. Also furnish the true copy of actual payee receipt(s) from entire concerned project both for cash/cheque and materials supplied during 2012-13.
6. State the designated officer under whose payment is being made to the beneficiaries under AIBP.
7. Kindly provide me the name and designation of the officer who inspected the project before payments is made to the beneficiaries under AIBP and also furnish all the inspection report under AIBP during 2012-13.

The above RTI application dated 19.06.2014 was received by the PIO, Irrigation & Flood Control, Nagaland, Kohima on the same day i.e. on 19.06.2014 as evidenced on the body of the copy of the above RTI application.

However, on not getting any response from the concerned PIO within the stipulated time frame of 30 days to his RTI application dated 19.06.2014, the applicant had filed first appeal dated 24.07.2014 before the Chief Engineer & First Appellate Authority, Irrigation & Flood Control, Nagaland, Kohima. The above first appeal dated 24.07.2014 was received by the Public authority on the same day i.e. on 24.07.2014 as evidenced on the body of the copy of the above first appeal.

And on receipt of the first appeal dated 24.07.2014, the Chief Engineer & First Appellate Authority, Irrigation & Flood Control, Nagaland, Kohima had, vide letter No. IFC/RTI/Case No. 09/2014-15 dated 25.07.2014 furnished the replies to the applicant(now appellant).

The applicant(now appellant) preferred Second Appeal dated 19.08.2014 before this Commission, stating that he was not satisfied with the replies to the queries **No. 2, 5 and 7** given by the Chief Engineer & First Appellate Authority, Irrigation & Flood Control, Nagaland, Kohima to his first appeal dated 24.07.2014 which was submitted against the non-response of the PIO, Office of the Chief Engineer, Irrigation & Flood Control, Nagaland, Kohima to his RTI application dated 19.06.2014.

The Commission had decided to hear the appeal, giving opportunity to the parties, on **4th November, 2014 (Tuesday) at 12:00 PM** in the **Hearing Room of the Nagaland Information Commission, Old Secretariat Complex, Kohima**. However, on the request of the public authority vide letter No. IFC/RTI/Case No. 9/2014-15 dated 21.10.2014 for postponement of the above hearing since the Chief Engineer & FAA would be on Earned Leave from 3rd to 11th November, 2014, the Commission had rescheduled the hearing on **13th November, 2014 (Thursday) at 1:30 PM**.

OBSERVATIONS AND FINDINGS:

Since the applicant(now appellant) had submitted his first appeal dated 24.07.2014 against the replies to the queries **No. 2, 5 and 7** given by the Chief Engineer & First Appellate Authority, Irrigation & Flood Control, Nagaland, Kohima, the Commission took up this appeal case only for queries **No. 2, 5 and 7**.

Regarding Query No. 2: The applicant(now appellant) submitted that he had received the information i.e Sanction Orders from the Govt. of India and its State matching share during 2012-13 under AIBP. However, during the hearing, he alleged that as per the total amount sanctioned reflected in the Annual Administrative Report of the Department of Irrigation & Flood Control, Nagaland, Kohima for 2012-13 and the Actual Payee Receipts (APRs) received, the amount sanctioned by the Govt. of India did not match with the amounts disbursed to the contractors and beneficiaries.

Er. Njilo Kemp, Chief Engineer & FAA, Irrigation & Flood Control, Nagaland, Kohima clarified that the above unmatched amounts was due to the fact that the information furnished earlier was only the amounts actually paid to the contractors and beneficiaries and did not include the deductions on Forest Royalty and other taxes etc. by the State Government, incomplete APRs which are yet to be received from the Districts offices and the Government's direction that some amounts were to be drawn by Transfer Credit to Civil Deposit.

Regarding Query No. 5: Er. Njilo Kemp, Chief Engineer & FAA, Irrigation & Flood Control, Nagaland, Kohima submitted that the information was earlier furnished to the applicant(now appellant). However, the information furnished earlier was **Division-wise**. Now since the information requested was for Project-wise, the information as per **Project-wise** had been prepared and was handed over to the applicant(now appellant) during the hearing. And on receipt of the information as per **Project-wise**, the applicant(now appellant) requested for some more time to scrutinise the voluminous information.

Also on the furnishing of the true copy of Actual Payee Receipt(s) from the entire concerned projects both for cash/cheque and materials supplied during 2012-13, Er. Njilo Kemp, Chief Engineer & FAA, Irrigation & Flood Control, Nagaland, Kohima submitted that the true copy of APRs could not be furnished since the original or true copy of Actual Payee Receipt(s)

are available in the respective district offices and divisions. The FAA further explained that since the projects are cluster projects consisting of 10 to 15 sub-projects under each project, obtaining all the APRs from the respective district offices and divisions would be cumbersome, however, the applicant(now appellant) is free to check from concerned districts and divisions, and for which the public authority is ready to allow or give permission.

During the hearing, the applicant(now appellant) submitted that since he had suspected forgery as some APRs are blank for some projects under some districts and divisions, he wanted to cross check with the original or true copy of APRs.

The Commission appreciated the intention of the applicant(now appellant). However, as explained by Er. Njilo Kemp, Chief Engineer & FAA, Irrigation & Flood Control, Nagaland, Kohima regarding the difficulties in obtaining all the original or true copy of Actual Payee Receipt(s) for each project or cluster projects from all the districts and divisions, the Commission agreed with the submission of the FAA that the applicant(now appellant) is free to inspect or check the original or true copy of APRs from concerned districts and divisions, if he so desired.

On being asked by the Commission as to why the PIO did not furnish the information to the applicant(now appellant) within the stipulated time frame of 30 days, but the information was furnished on 25.07.2014 by the then (former) FAA only after the receipt of the first appeal dated 24.07.2014, Er. Eyono-o Kharutso, S.E & PIO, Office of the Chief Engineer, Irrigation & Flood Control, Nagaland, Kohima submitted that the delay was due to the collection of the bulk of information from the various divisions and district offices and also that the he had to go on Earned Leave which was already planned in advance.

Regarding Query No. 7: During the hearing, the applicant(now appellant) submitted that he had requested for all the Inspection Reports under AIBP during 2012-13, however he was given only the Quarterly Progress Reports.

Er. Njilo Kemp, Chief Engineer & FAA, Irrigation & Flood Control, Nagaland, Kohima clarified that if any complaint or inquiry on specific projects is received, an inspection is conducted and Inspection Report submitted. However, Inspection Report is not used as the basis for payments. The FAA explained that the Divisional Engineer checks the progress of works and appropriate entries are made in the MBs (Measurement Books) and subsequently Quarterly Progress Reports are submitted. The MBs (Measurement Books) indicates the quantity and cost of works done by the contractors or beneficiaries, whereas Quarterly Progress Reports indicates the percentage of progress of works completed. Hence, basing on the entries in the MBs and the Quarterly Progress Reports, bills are prepared for payments.

Er. Njilo Kemp, Chief Engineer & FAA, Irrigation & Flood Control, Nagaland, Kohima also submitted that it is not a practice to submit Inspection Reports. However, if the applicant(now appellant) so desire, MBs and the Quarterly Progress Reports can be provided.

The Commission observed that since the applicant(now appellant) had asked only Inspection Report and not MBs or the Quarterly Progress Reports, this point of appeal is dropped. However, if the applicant(now appellant) wants MBs and the Quarterly Progress Reports, a separate RTI application may be submitted.

DECISION:

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

1. **On Query No. 2:** Since the sanction order from the Govt. of India and its State matching share during 2012-13 under AIBP had already been furnished and that the applicant(now appellant) questioned on the unmatched amounts, Er. Eyono-o Kharutso, S.E & PIO, Office of the Chief Engineer, Irrigation & Flood Control, Nagaland, Kohima shall give a clear explanation regarding the unmatched amounts as submitted during the hearing.
2. **On Query No. 5:** Since the information as per Project-wise was handed over to the applicant(now appellant) during the hearing and that the applicant(now appellant) had requested for some more time to scrutinise the information he received, the Commission directs that the applicant (now appellant) shall inform the Commission about his satisfaction or non-satisfaction of the information so received within **35 (thirty five) days** from the date of issue of this Commission's Decision.

3. **On Query No. 7:** The Commission observed that since the applicant(now appellant) asked only Inspection Report and not MBs or the Quarterly Progress Reports, this point of appeal is dropped.
4. Er. Eyono-o Kharutso, S.E & PIO, Office of the Chief Engineer, Irrigation & Flood Control, Nagaland, Kohima shall submit to the Commission, a photocopy of the **Earned Leave** he had applied for.

This appeal case shall be closed only after compliance to this Commission's Decision is received.

Decision pronounced in presence of all parties present on 13.11.2014.

Copy be given to:-

1. Er. Njilo Kemp, Chief Engineer & FAA, Irrigation & Flood Control, Nagaland, Kohima.
2. Er. Eyono-o Kharutso, S.E & PIO, Office of the Chief Engineer, Irrigation & Flood Control, Nagaland, Kohima.
3. The applicant(now the appellant), Shri. Vikheto Zhimomi, P.R Hill Colony, Kohima, Mobile No. 9615115300, 9089896123.
4. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
5. Office Copy.

(KEVININO P. MERU)
Chief Information Commissioner,
Nagaland.