

**NAGALAND INFORMATION COMMISSION**  
**Old Secretariat Complex,**  
**Post Box No. 148**  
**Nagaland, Kohima - 797001.**  
**Tel: 0370-2291595, Fax: 0370-2291774, Website: www.nlsic.gov.in**



No. NIC/Complaint-2/2013-14

Dated Kohima, the 23<sup>rd</sup> April, 2014.

Appellant: Shri. Shokvulo Khing, Sendenyu Village, P.O/P.S  
Tseminyu, Kohima, Nagaland, Mobile No. 9856261959,  
9612382100

Respondent: 1. Chief Engineer & FAA, PHED, Nagaland, Kohima.  
2. Addl. Chief Engineer & PIO, Office of the Chief Engineer,  
PHED, Nagaland, Kohima.  
3. Executive Engineer, PHED, Rural Division, Kohima.

Public Authority: Public Health Engineering Department, Nagaland, Kohima.

Date of hearing: 23.04.2014

Date of decision: 23.04.2014

Present:-

1. Er. Kevissekho Kruse, Chief Engineer & FAA, PHED, Nagaland, Kohima.
2. Er. J. Walter Longchar, Addl. Chief Engineer & PIO, Office of the Chief Engineer, PHED, Nagaland, Kohima.
3. Er. P. Jakpou Khamniungan Executive Engineer, PHED, Rural Division, Kohima.
4. Shri. Shokvulo Khing, Sendenyu Village, P.O/P.S Tseminyu, Kohima, Nagaland, Mobile No. 9856261959, 9612382100

**Facts of the case**

Under Section 18 & 19 of the Right to Information Act, 2005, the Nagaland Information Commission had, **on 06.11.2013** heard the complaint dated 24.08.2013 received from a complainant, Shri. Shokvulo Khing, Sendenyu Village, P.O/P.S Tseminyu, Kohima, Nagaland, Mobile No. 9856261959, 9612382100 against incomplete, wrong and irrelevant information provided by the Executive Engineer, PHED, Rural Division, Kohima, Nagaland.

The Commission, had, after hearing the parties passed decision on 06.11.2013.

In compliance to the Point No. (b) of the above mentioned decision of the Commission dated 06.11.2013, Er. P. Jakpou Khamniungan, Executive Engineer & PIO, PHED, Rural Division, Kohima, Nagaland had, vide letter No. EE/PHED/R/DIVN/KMA/RTI/2013/404 dated 22.12.2013 furnished to the applicant (now complainant) and with a copy to this Commission, some information relating to the relevant Sanction Orders obtained from the Office of the Chief Engineer,

PHED, Nagaland, Kohima along with the lists of allocations to the villages. However, regarding Point No. (a) of the decision of the Commission dated 06.11.2013, the Executive Engineer & PIO, PHED, Rural Division, Kohima, Nagaland had submitted that in spite of all out efforts, the file noting regarding the funds issued to WATSAN, cash and material components could not be traced out in the files available in the office.

The Chief Engineer & FAA, PHED, Nagaland, Kohima had also **failed to comply** with the Point No. (d) of the decision of the Commission dated 06.11.2013, wherein the Commission directed the Chief Engineer & FAA to issue a statement to the effect that materials were actually issued to Sendenyu (Old) village in 2009 and that the list of materials forwarded by EE, PHE Rural Division, Kohima to Sendenyu (Old) village in 2009 was correct and authentic, since the “**Materials Statement**” in respect of Sendenyu (Old) forwarded by EE, PHE Rural Division, Kohima was merely an **attested** copy and not a signed statement.

In view of the above, the Nagaland Information Commission has decided to hear the complaint for the second time, giving opportunity to the parties, on **23<sup>rd</sup> April, 2014 (Wednesday) at 1:00 P.M.** in the **Hearing Room of the Nagaland Information Commission, Old Secretariat Complex, Kohima.**

It is notified that the following concerned 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, Rural Division, Kohima.
4. The complainant, Shri. Shokvulo Khing, Sendenyu Village, P.O/P.S Tseminyu, Kohima, Nagaland, Mobile No. 9856261959, 9612382100.

#### **Observation**

The Commission had already heard this case on 06.11.2013 and had among others given its decisions on 06.11.2013 as follows:

- (a) The EE & PIO, PHE, Rural Division, Kohima shall make all out attempts to trace the file notings regarding funds issued to WATSAN, material component and IEC with effect from 2005 till date and furnish the relevant extracts of file notings only in respect of Sendenyu (Old), Sendenyu (New) and Thungsu village to the applicant, **within one month** from the date of receipt of this order with copy to the Nagaland Information Commission.
- (b) The EE & PIO, PHE, Rural Division, Kohima shall obtain from the office of the Chief Engineer, PHED copies of relevant sanction orders applied for by the applicant/complainant in respect of Sendenyu (Old) Sendenyu (New) and Thungsu village under Communitization Programme from the period 2005 till date and furnish the same to the applicant **within one month** from the date of receipt of this order with a copy to the Nagaland Information Commission.

- (c) The apparent discrepancies in the cash amount released to WATSAN Sendenyu (Old) village during 2008-2009 which was raised by the complainant was clarified by the Addl. CE and PIO, PHED. The total amount of Rs. 3.24 lakh was for 3 components of the programme namely 40% for materials component, 50% for maintenance cost to WATSAN and 10% for IEC. This clarification has been accepted. The Commission advised the PHE Department that **in future,** the three components of this communitization programme namely 40% of materials component, 50% of maintenance of WATSAN and 10% of IEC should be clearly reflected in the statement of fund allocation under the programme.
- (d) The Chief Engineer & FAA, PHED, Nagaland, Kohima shall issue a statement to the effect that materials were actually issued to Sendenyu (Old) village in 2009 and that the list of materials forwarded by EE, PHE, Rural Division, Kohima to Sendenyu (Old) village in 2009 is correct and authentic. This is because the **“Materials Statement”** in respect of Sendenyu (Old) forwarded by EE, PHE, Rural Division, Kohima is merely an attested copy and not a signed statement.

During the hearing the following were present:-

1. Er. Kevisekho Kruse, CE & First Appellate Authority, PHED, Nagaland, Kohima.
2. Er. J. Walter Longchar, Addl. CE & PIO, Office of the CE, PHED, Nagaland, Kohima.
3. Er. P. Jaspou Khamniungan, EE, PHE, Rural Division, Kohima.
4. Shri Shokvulo Khing, Sendenyu village, PO/PS Tseminyu, Nagaland.

### **DECISION**

Each of the members present were given opportunity to make their statements. Er. P. Jaspou Khamniungan, EE, PHE, Rural Division, Kohima had mentioned that he had made extra effort to trace the relevant files containing implementation of WATSAN in Sendenyu Old, Sendenyu New and Thungsu villages and through the file notings he managed to locate the information sought by the appellant with regard to the following items in respect of aforementioned villages viz. (i) file notings (ii) Sanction order (iii) Maintenance cost (iv) Materials issued. As allowed by the Nagaland Information Commission, **Er. P. Jaspou Khamniungan**, EE, PHE, Rural Division, Kohima furnished the information asked for namely (1) file noting, (2) sanction orders, (3) maintenance cost and (4) materials etc. for implementation of WATSAN for Sendenyu (New), Sendenyu (Old) and Thungsu village with effect from 2005 and handed over a copy to the appellant. The appellant, Shri Shokvulo Khing after examining the information received alleged that the name and signature of Chairman of WATSAN Committee of Sendenyu (Old) is **wrongly spelt** and **signature appeared to be forged**. The Commission informed him that this is not a matter to be taken up by the Commission as its job is to facilitate furnishing of the information to the applicants/appellants.

The Chief Engineer, PHE when asked why he had not complied with directives given by NIC in its order at Para (d) of the order dated 06.11.2013, clarified that since he had not clearly understood the contents of NIC directive, he had not issued the statement referred at para (d). He, however, produced a letter No.CE/PHE/RTI/2006 dated 23.04.2014 addressed to the appellant which the Commission scrutinized and found to conform to directive given on 06.11.2013 at para (d).

Since the appellant has been furnished information sought by them by EE, PHED, Rural Division, Kohima and C.E., PHED had also issued statement addressed to the appellant as directed by the Commission in its orders of 06.11.2013 and all materials/information referred above have been given to the appellant, the case is declared closed forthwith.

Decision pronounced in presence of all concerned on 23.04.14.

Copy be given to the parties:-

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, Rural Division, Kohima.
4. Shri. Shokvulo Khing, Sendenyu Village, P.O/P.S Tseminyu, Kohima, Nagaland, Mobile No. 9856261959, 9612382100.
5. The Computer Programmer, NIC for uploading on the NIC website.
6. Office Copy.

**Sd/-**  
**(Lalhuma) IAS (Rtd)**  
Chief Information Commissioner,  
Nagaland, Kohima

Authenticated by

Secretary  
Nagaland Information Commission

**(LALHUMA) IAS (Retd)**  
Chief Information Commissioner  
Nagaland Information Commission