

**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/Complaint-2/2013-14      Dated Kohima, the 6<sup>th</sup> November, 2013

Appellant:                Shri Shokvulo Khing, Sendenyu village, PO/PS  
                                  Tseminyu, M.Phone No.9856261959,9612382100

Respondent:            i) Chief Engineer, PHE Department, Nagaland,  
                                  Kohima.  
                                  ii) Addl. CE, PHE, EE, PHE Rural Division, Kohima.

Public Authority: Public Health Engineering Department, Nagaland, Kohima.  
Date of hearing    06.11.2013

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. Jakpon Kilunger, EE, PHE Rural Division, Kohima.
4. Shri Shokvulo Khing, Sendenyu village, PO/PS Tseminyu, Nagaland.

**FACTS OF THE CASE**

Shri Shokvulo Khing, Sendenyu village had filed an RTI application on 28.05.13 before the Executive Engineer & PIO, Department of PHE Rural Division, Kohima regarding WATSAN of Sendenyu (Old), Sendenyu (New) and Thongsu villages seeking information on the following items w.e.f. 2005 till date :-

1. File notings
2. Sanction order
3. Maintenance Cost
4. Materials

The Executive Engineer & PIO, PHE Rural Division, Kohima had furnished information to the appellant on **26.06.2013** vide letter No.EE/PHED/R/DIVN/KMA/RTI/385 dated 26.06.2013. However, Shri Shokvulo Khing filed a complaint before the Nagaland Information Commission on 24.08.2013 which was received on 26.08.2013 by the Commission wherein he had stated that the information furnished by EE & PIO, PHE, Rural Division, Kohima was **incomplete**, **wrong** and **irrelevant**.

### **OBSERVATIONS**

The Commission observed the following:-

That the RTI application filed by Shri Shokvulo Khing on 28.05.2013 before the EE & PIO, PHE Rural Division, Kohima seeking information regarding WATSAN in respect of Sendenyu Old, Sendenyu New and Thongsu village from 2005 onwards was extremely sketchy and was not supported by any elaborate points/details.

The Commission, however, gave the complainant, Shri Shokvulo Khing an opportunity to clarify and substantiate his complaint that the information furnished by the EE & PIO, PHE Rural Division, Kohima was incomplete, wrong and irrelevant.

The Commission also scrutinized the reply furnished by the EE & PIO, PHE, Rural Division, Kohima vide his letter No.EE/PHE/R/DIVN/KMA/RTI/385 dated 26.06.2013.

After listening to the complainant Shri Shokvulo Khing and scrutinizing the reply of the EE & PIO, PHE, Rural Division, Kohima, the following irregularities in the reply furnished by the EE & PIO, PHE, Rural Division, Kohima were observed :-

a) The EE & PIO, PHE, Rural Division, Kohima's reply "**No file notings of Sendenyu Old, Sendenyu New and Thonsunyu village from 2005 till date**" were found to be untenable. The EE & PIO, PHE, Rural Division, Kohima argument that he recently joined the Division and that he could not trace the file notings pertaining to the 3 villages from 2005 till date was not convincing. There is no question of file notings not being maintained in any transaction of the Government, particularly regarding sanction orders, release of funds/cheques and issue of materials.

b) The EE & PIO, PHE, Rural Division, Kohima has, instead of furnishing copies of the relevant **sanction** orders in question, furnished the statement of fund allotment for 2008 to 2009 for communitization of Rural Water Supply Sensitization on the 12<sup>th</sup> Finance Commission award which is **NOT** the information sought by the applicant.

c) Regarding sanction of cash amount to WATSAN to Sendenyu (Old) during 2008-2009 for maintenance cost, the amount reflected against cash

component in the statement of fund allotment to WATSAN of Sendenyu (Old), it was observed that the amount given in the reply of EE & PIO, PHE, Rural Division, Kohima was **Rs.1.57 lakh** whereas in the statement of allocation of fund, the cash component amount was shown as Rs. 2.91 lakh.

d) The complainant stated that the materials statement issued to Sendenyu (Old) in December, 2009 is not forwarded in a proper manner and the statement is simply attested by EE & PIO, PHE, Rural Division, Kohima. In order to prove the authenticity of materials statement issued to Sendenyu (Old), he requested that this statement should be formally authenticated by the Department. He also mentioned that according to his information the materials issued to Sendenyu (Old) in December 2009 has not been received by the village.

The Addl. CE & PIO, PHED in the office of the Chief Engineer, PHED as well as the Chief Engineer & First Appellate Authority, PHED who were also present during the hearing furnished clarifications regarding the component of infrastructural cost and the 3 components of fund allocation under Communitization of Rural Water Supply and Sensitization.

### **Decisions**

Taking into consideration the afore-mentioned facts of the case and the observation recorded above, the Commission is pleased to decide 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 Thongsu 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 Thongsu 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 CE, PHED. The total amount of Rs. 3.24 lakh was for 3 components of the programme namely 40% for material 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 material component, 50% of maintenance of WATSAN and 10% for 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.

Decision pronounced on 6/11/13 in presence of all concerned for compliance.

Copies be given to the:-

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. Jakpon Kilunger, EE, PHE, Rural Division, Kohima.
4. Shri Shokvulo Khing, Sendenyu village, PO/PS Tseminyu, Nagaland.

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

**(BUKCHEM PHOM)**  
State Information Commissioner,  
Nagaland, Kohima