

**NAGALAND INFORMATION COMMISSION**

**Old Secretariat Complex,**

**Post Box No. 148**

**Nagaland, Kohima - 797001.**

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No. NIC/Complaint-12/2015-16

Dated Kohima, the 28<sup>th</sup> November, 2016.

Complainant : Shri. Chubatangit Jamir,  
Social Activist Nagaland,  
Near Office of the Commissioner of Taxes,  
Dimapur, House No. 252,  
Mobile No. 9436073062, 9615661525

Respondent : Er. J. Walter Longchar, Additional Chief Engineer & PIO,  
Office of the Chief Engineer,  
PHED,  
Nagaland, Kohima.

Public Authority : Office of the Chief Engineer, PHED, Nagaland, Kohima.

Date of hearing : 21.04.2016 at 11:00 AM.

Date of Interim Decision : 25.05.2016.

Date of second hearing : 17.11.2016 at 12:00 PM.

Date of second Decision : 28.11.2016

Present:

- i. Er. J. Walter Longchar, Additional Chief Engineer & PIO, Office of the Chief Engineer, PHED, Nagaland, Kohima, Mobile No. 9436004074.

The applicant (now complainant), Shri. I. Chubatangit Jamir, Social Activist Nagaland, Near Office of the Commissioner of Taxes, Dimapur, House No. 252, Mobile No. 9436073062, 9615661525 did not appear for the hearing on health grounds.

**FACT OF THE CASE**

The Commission had, on 21.04.2016 at 11:00 AM. heard the complaint case dated 02.03.2016 submitted by Shri. I. Chubatangit Jamir, Social Activist Nagaland, Near Office of the Commissioner of Taxes, Dimapur, House No. 252, Mobile No. 9436073062, 9615661525 against the non-receipt of information from the PIO, Public Health Engineering Department, Nagaland, Kohima to his RTI application dated 24.11.2015 within the stipulated time.

The Commission had, after hearing the parties on 21.04.2016 at 11:00 AM, passed an interim decision of even No. dated 25.05.2016, wherein the public authority was directed to verify and submit to the applicant (now complainant) the information duly authenticated by the WATSAN Committees and the Village Councils and supported by photographic evidences within three (3) months from the date of receipt of this decision, and with a copy to the Commission.

However, since no compliance to the above decision dated 25.05.2016 has been received from the Additional Chief Engineer & PIO, Office of the Chief Engineer, PHED, Nagaland, Kohima till date, the Commission has decided to hear the case again, giving opportunity to the parties on 17th November, 2016 (Thursday) at 12:00 P.M. in the Hearing Room of the Nagaland Information Commission, Old Secretariat Complex, Nagaland, Kohima. The Commission had also notified the parties to bring the files and relevant documents in question for scrutiny, on the above date and time for hearing.

**OBSERVATIONS AND FINDINGS**

The applicant (now complainant), Shri. Chubatangit Jamir had submitted a letter dated 17.11.2016 to the Commission regarding his inability to appear for the hearing on health grounds and had request the Commission to extend the date of hearing. However, since the Commission had

received the above request letter only a few minutes before the hearing, the Commission did not accept the request and the hearing was held as scheduled.

During the hearing, Er. J.Walter Longchar, Addl.Chief Engineer & PIO, Office of the Chief Engineer, PHED, Nagaland, Kohima stated that in accordance to the last decision of the Commission dated 25.05.2016, since the information was exhaustive which required collection of records covering villages all over Nagaland, the applicant (now complainant) was to submit his requirements specifying the districts or villages and the areas of his interest and concern to the PIO, however, inspite of waiting for the applicant (now complainant), there was no response from him till date.

The PIO further submitted that efforts were made to contact the applicant (now complainant) over the mobile phone numbers provided in the RTI application, however, there was no response. Furthermore, a reminder letter vide No. CE/PHE/M/RTI/2006-07 dated **03.10.2016** was sent to the applicant (now complainant) to comply with the decision of the Commission dated 25.05.2016, however still there was no response till the hearing of the case.

The Commission observed that the onus now rest on the applicant (now complainant) since the information could be provided only after the requirements were received from the applicant (now complainant), however, the PIO had lately written officially to the applicant (now complainant) on 03.10.2016 only after the lapse of the **three (3) months** which expired in August, 2016.

### **DECISION**

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

1. the PIO shall submit to the Commission an **action taken report** on the decision of the Commission of even No. dated 25.05.2016;
2. the PIO shall **remind** the applicant (now complainant) to submit his requirements specifying the districts or villages and the areas of his interest and concern so as to enable the PIO in furnishing the information.

The above compliance shall be submitted **within 2 (two) weeks** from the date of issue of this decision.

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

Decision pronounced in presence of only the respondent on 17.11.2016.

Copy to:-

1. Er. J. Walter Longchar, Additional Chief Engineer & PIO, Office of the Chief Engineer, PHED, Nagaland, Kohima, Mobile No. 9436004074.
2. The applicant (now complainant), Shri. I. Chubatangit Jamir, Social Activist Nagaland, Near Office of the Commissioner of Taxes, Dimapur, House No. 252, Mobile No. 9436073062, 9615661525.
3. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
4. Office Copy.

**Sd/-**

**TOSHI AIER, IAS (Retd.)**  
Chief Information Commissioner

**Sd/-**

**CHANBEMO LOTH**  
State Information Commissioner

Authenticated true copy:-

**(WORHONTHUNG EZUNG)**  
Secretary