

NAGALAND INFORMATION COMMISSION

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No. NIC/Appeal-5/2018-19.

Dated Kohima, the 29th September, 2018.

Appellant : Shri. K. Zeliang,
Kohima
Mobile No. 9402245680/ 9436208756

Respondents : 1) Director & FAA,
Tourism,
Nagaland, Kohima.

2) The PIO,
Tourism,
Nagaland, Kohima.

Public Authority : Directorate of Tourism, Nagaland, Kohima.

Date of hearing : 19.09.2018 at 12:00 PM.

Date of Decision : 29.09.2018.

Present:

1. Smti. Akhale Vizol, Additional Director(HOD) & FAA, Directorate of Tourism, Nagaland, Kohima, Mobile No. 9612158350.
2. Er. Shekhotso Vero, SDO & PIO, Directorate of Tourism, Nagaland, Kohima, Mobile No. 9436200936.
3. Shri. Vikheto Z. Kiba, Junior Engineer & APIO, Directorate of Tourism, Nagaland, Kohima, Mobile No. 9863414388.
4. The applicant (now appellant) Shri. K. Zeliang, Kohima.

FACT OF THE CASE

An applicant, Shri. K. Zeliang, had submitted an RTI application dated 24.04.2018 alongwith Rs. 50/- in cash and addressed to the PIO, Directorate of Tourism, Nagaland, Kohima seeking up to date information along with photographs and the status of fund released and utilized of the following development programmes undertaken by the Tourism Department against the listed Work Orders under Peren district:-

1. *Construction of Log Hut 4 Nos. at Benreu. Work Order amounting to Rs. 1,71,74,818/-*
2. *Construction of Log Hunt 3 Nos. at Benreu. Work Order amounting to Rs. 1,28,81,113/-*
3. *Construction of Log Hunt 3 Nos. at Benreu. Work Order amounting to Rs. 1,28,81,113/-*
4. *Development of Trekking of Mount Pauna for 9 Km road. Work Order amounting to Rs.3,00,55,933/-.*
5. *Procurement of Trekking Equipment. Work Order amounting to Rs. 24,69,645/-*
6. *Construction of Rain Shelter. Work Order amounting to Rs. 8,36,362/-*
7. *Solar Campus Lighting for Benreu. Work Order amounting to Rs. 13,34,368/-*
8. *Parking Facility for Bus and Taxi at Benreu. Work Order amounting to Rs. 10,12,968/-*
9. *Construction of Stone Pavement with local stone at Benreu. Work Order amounting to Rs. 16,84,883/-*
10. *Solid Waste Management Wheel Based Bin. Work Order amounting to Rs. 11,89,925/-*
11. *Improvement of Road Connectivity in Benreu Village. Work Order amounting to Rs.47,91,768/-.*
12. *Signage. Work Order amounting to Rs. 7,89,373/-*
13. *Construction of Public Convenience at Rani Gaidinliu Cave. Work Order amounting to Rs. 11,26,185/-*

14. *Parking Facility for Bus and Taxi at Rani Gaidinliu Cave. Work Order amounting to Rs.57,91,810/-*
15. *Construction of Information Centre with Wi-fi & ATM Facility at Peren. Work Order amounting to Rs. 57,91,810/-*
16. *Construction of Log Hut 20 Nos. at Peren. Work Order amounting to Rs. 8,58,47,093/-*
17. *Construction of Power Backup Hut at Peren. Work Order amounting to Rs. 3,86,120/-*
18. *Construction of Road Connectivity to Peren Site. Work Order amounting to Rs.1,17,48,288/-*
19. *Development of Parking Area for Multi-Utility Hall at Peren. Work Order amounting to Rs. 41,12,650/-*
20. *Development of Nature Trail. Work Order amounting to Rs. 32,95,062/-*
21. *Construction of OAT with Green Room at Peren. Work Order amounting to Rs.80,44,182/-*
22. *RO Base Water Treatment Plan at Peren. Work Order amounting to Rs. 30,90,000/-*
23. *Storm Water Drainage System at Peren. Work Order amounting to Rs. 23,81,890/-*
24. *Plantation of Biological Fencing around campus and roadside. Work Order amounting to Rs. 30,50,000/-*
25. *Construction of Traditional Arch at Peren. Work Order amounting to Rs. 16,00,704/-*
26. *Construction of Helipad Ground at Peren. Work Order amounting to Rs. 65,95,735/-.*
27. *Helipad Facility (Waiting Room and Toilet) at Peren. Work Order amounting to Rs.24,13,254/-*
28. *Construction of Tribal Rejuvenation Centre at Peren. Work Order amounting to Rs.82,05,066/-*
29. *Construction of Wayside Amenity Centre Dimapur to Peren (Punglwa, Jalukie, Nbaupungwa and Tening Town). Work Order amounting to Rs. 1,80,18,965/-*
30. *Construction of Boundary Wall for Wayside Amenity at Punglwa, Jalukie, Nbaupungwa and Tening Town. Work Order amounting to Rs. 14,82,080/-*
31. *Directional Signage. Work Order amounting to Rs. 26,31,246/-*
32. *Construction of Hut/ Morung for 16 Major Tribes of Nagaland. Work Order amounting to Rs. 6,86,99,274/-*
33. *Construction of Cafeteria at Peren. Work Order amounting to Rs. 78,83,298/-*
34. *Parking Area for Bus and Taxi at Peren. Work Order amount to Rs. 22,28,530/-*
35. *Vehicle Repair and Air Filling Centre at Punglwa, Jalukie, Nbaupungwa and Tening Town. Work Order amounting to Rs. 61,56,557/-*
36. *Construction of Stone Pathway with local stone at Peren. Work Order amounting to Rs.32,55,389/-*
37. *Construction of Public Convenience at Peren. Work Order amounting to Rs. 33,78,556/-*
38. *Campus Illuminating with Solar Energy. Work Order amounting to Rs. 15,13,440/-*
39. *Engineering Maintenance Room. Work Order amounting to Rs. 13,51,422/-*
40. *Construction of view Point at Peren. Work Order amounting to Rs. 5,80,807/-*
41. *Sitting Area development with Stone Slab at Peren. Work Order amounting Rs.3,42,125/-*
42. *Development of Caravan at Peren with Toilet and Drinking Water Facility. Work Order amounting to Rs. 27,35,023/-*
43. *Landscaping and Gardening. Work Order amounting to Rs. 54,87,985/-*
44. *Farming Equipment for Tourists to experience village farming activity. Work Order amounting to Rs. 2,44,000/-*
45. *Solid Waste Management System STP-50 KLD. Work Oder amounting to Rs. 75,06,050/-*
46. *Construction of Multi-Purpose Hall at Peren. Work Order amounting to Rs.2,20,41,058/-*
47. *Development of Naga Wrestling Ground. Work Order amounting to Rs. 11,14,942/-*

On receipt of the RTI application dated 24.04.2018 by the Public Authority on 24.04.2018 as evidenced on the body of the said application, Er. Shekhotso Vero, PIO, Directorate of Tourism, Nagaland, Kohima had, vide letter No. TOUR/ENGG-563/2011-12 dated 31.05.2018 furnished the information to the applicant.

On not being satisfied with the information, the applicant had submitted the first appeal dated 18.06.2018 to the First Appellate Authority, Directorate of Tourism, Nagaland, Kohima stating that the PIO had not indicated the location and the names of work though he had provided photographs in C.D (soft copy) out of 47 various development work it indicated only 3 locations along with names of work i.e. Sl. Nos. 26, 29 & 46.

On receipt of the first appeal dated 18.06.2018 on 20.06.2018, Smti. Akhale Vizol, First Appellate Authority had, vide letter No. TOUR/ENGG-563/2011-12/796 dated 29.06.2018 while furnishing the information to the applicant stated with deep regret that the photograph which was provided earlier included the works from other location was mistakenly included in the CD. The rectified CD with photographs and location of Swadesh Darshan work at Peren was provided.

On receipt of the above information on 05.07.2018 furnished by the First Appellate Authority, Directorate of Tourism, Nagaland, Kohima, the applicant (now appellant) had preferred the second appeal dated 25.09.2017 before this Commission stating that the information so furnished was still not satisfied.

The Commission has decided to hear the appeal case, giving the opportunity of being heard to both the parties on **19th September (Wednesday), 2018 at 12:00 Noon** in the **Hearing Room of Nagaland Information Commission, below Raj Bhavan, Officers' Hill Colony, Nagaland, Kohima** and had also directed the parties **to bring the files and relevant documents** in question for scrutiny on the above date and time for hearing.

- i. Smti. Akhale Vizol, FAA, Directorate of Tourism, Nagaland, Kohima.
- ii. Er. Shekhotso Vero, PIO, Directorate of Tourism, Nagaland, Kohima.
- iii. The applicant (now appellant) Shri. K. Zeliang, Nagaland, Kohima.

OBSERVATIONS AND FINDINGS:

During the hearing, the applicant (now appellant) stated that he had received the information i.e. Work Orders and photographs of the construction projects, however the projects could not be located. He stated that out of the 47 Work Orders received, actual works were done in only against 6 Work Orders but still the works were not satisfactory. For example, from Sl. No. 1 to 3, Work Orders were issued for construction of a total of 10 Log Huts at Benreu, but only 7 Log Huts could be located and the remaining 3 could not be located. Similarly, the names and location of the projects for the remaining projects could not be located except the projects mentioned at Sl. No. 26, 29 and 46. Regarding the fund utilised, no Utilization Certificates for any of the projects were furnished.

Further, the applicant (now appellant) stated that the photos of the construction projects were given on a CD (Compact Disc) however the location of the projects could not be identified, and moreover, some of the photos given on the CD were duplicate since the same locations were shown for different projects.

Smti. Akhale Vizol, Additional Director(HOD) & FAA, Directorate of Tourism, Nagaland, Kohima stated that whatever information sought were all furnished. The photos on the CD which was first given had some mistake as 4 photos of other district other than Peren district was given, however, this had been rectified and the rectified CD already given. Shri. Vikheto Z. Kiba, Junior Engineer & APIO, Directorate of Tourism, Nagaland, Kohima also clarified that no duplicate photos were given.

Er. Shekhotso Vero, SDO & PIO, Directorate of Tourism, Nagaland, Kohima, stated that the RTI application dated 24.04.2018 was received on 24.04.2018 by his predecessor. He became the new PIO only on 31.05.2018, and it was on the same day that he had furnished the information to the applicant.

The Commission observed that the applicant (now appellant) had sought for the status of funds released and utilised for the various developmental works undertaken by the Department of Tourism in Peren district, however, only Work Orders were furnished and that too, after the expiry of the 30 days time limit. Regarding the photos on the CD, since no photo captions indicating the name and location for each of the projects were given, the applicant (now appellant) was not satisfied.

The Commission also observed that since deciding of appeal is a quasi-judicial function, therefore on receipt of the first appeal, the FAA should have called for a hearing of both the parties i.e. the PIO and the applicant, and pass decision on the first appeal. However, the FAA had simply furnished some information to the applicant (now appellant).

DECISION:

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

1. The PIO, Directorate of Tourism, Nagaland, Kohima shall re-furnish the photos giving photo captions indicating the name of works and location for each of the projects, to the applicant (now appellant) and with a copy to this Commission **within twenty (20) days** from the date of receipt of this decision.
2. Regarding the status of funds released and utilised for the developmental works undertaken in Peren district, the PIO shall furnish the list of funds sanctioned, funds received and funds utilised/expenditure incurred, supported by Sanction Orders, Utilization Certificates, copies of payments made and received by the contractors recorded in the Measurement Books etc. to the applicant (now appellant) and with a copy to this Commission **within twenty (20) days** from the date of receipt of this decision.
3. On receipt of the above information, the applicant (now appellant) shall give his satisfaction or non-satisfaction of the information to the public authority, with a copy to this Commission at the earliest.
4. Regarding the delay in furnishing the information, the Commission shall decide the cause of the delay in the presence of the former PIO in the next hearing which shall be notified later.

Decision pronounced in the presence of both the parties on 19.09.2018.

Copy be given to:-

1. Smti. Akhale Vizol, Additional Director(HOD) & FAA, Directorate of Tourism, Nagaland, Kohima, Mobile No. 9612158350.
2. Er. Shekhotso Vero, SDO & PIO, Directorate of Tourism, Nagaland, Kohima, Mobile No. 9436200936.
3. Shri. Vikheto Z. Kiba, Junior Engineer & APIO, Directorate of Tourism, Nagaland, Kohima, Mobile No. 9863414388.
4. The applicant (now appellant) Shri. K. Zeliang, Nagaland, Kohima, Mobile No.9402245680/ 9436208756.
5. The Computer Programmer, Nagaland Information Commission for uploading on the Commission's website and Notice Board.
6. Office Copy.

Sd/-

CHANBEMO LOTH
Chief Information Commissioner

Sd/-

G. H. RAMLIA
State Information Commissioner

Sd/-

KEVIZATUO MIACHIEO
State Information Commissioner

Authenticated true copy:-

(WORHONTHUNG EZUNG)
Secretary