

NAGALAND INFORMATION COMMISSION
AGRI-FARM COLONY, LANE-6, H/NO. AFC-587
NAGALAND, KOHIMA-797001
Email: cic.nagaland@gmail.com | Website: www.nlsic.nagaland.gov.in



No. NIC/APPEAL-4/2022-23

Dated Kohima, the 13th June, 2022

Appellants : i) Shri. Inato Y. Chiso,
Dimapur, M/No. 9863302011 and
ii) Shri. Puloka Zhimo,
Maromi Village, M/No. 9856949896

Respondents : (i) Er. Repangyangba Longkumer,
Chief Engineer & First Appellate Authority,
PHED,
Nagaland, Kohima -797001.

(ii) Er. Inashe Kiba,
Addl. Chief Engineer & PIO,
PHED,
Nagaland, Kohima-797001.

iii) Er. L. Layang Khiamniungam,
S.E (P&T) & APIO
Office of the Chief Engineer,
PHED, Nagaland, Kohima- 797001.

iv) Er. Vikedulie,
Executive Engineer & PIO,
PHED, Dimapur, Rural

v) Er. (Miss) Bendangtola Walling,
Executive Engineer & PIO,
PHED, Dimapur, Urban.

vi) Er. Kitoshe Y. Aye,
Executive Engineer,
PHED, Zunheboto

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

Date of hearing : 08.06.2022 at 1:00 PM.

Date of Decision : 13.06.2022

Present:

1. Er. Repangyangba Longkumer, Chief Engineer & First Appellate Authority, PHED, Nagaland, Kohima-797001, Mobile No. 9436006161.
2. Er. Kitoshe Y. Aye, Executive Engineer, PHED, Zunheboto Division, Nagaland, Mobile No. 9862480230.
3. Er. H. John, J.E, PHED, RTI Cell, Zunheboto Division, Nagaland.
4. Shri. Yangtsali Sangtam, Consultant, RTI Cell, Office of the Chief Engineer, PHED, Nagaland, Kohima- 797001, Mobile No. 9862743270.
5. Shri. Jonthong, Technical assistant, RTI Cell, Office of the Chief Engineer, PHED, Nagaland, Kohima- 797001, Mobile No. 9862922929.
6. The applicants (now appellants), Shri. Inato Y. Chiso, Dimapur, M/No. 9863302011 & Shri. Puloka Zhimo, Maromi Village, M/No. 7005264681. 9856949896.

The following **did not** appear for the hearing.

7. Er. Inashe Kiba, Addl. Chief Engineer & PIO, PHED, Nagaland, Kohima-797001.

8. Er. L. Leyang Khamniungam, S.E (P&T) & APIO, Office of the Chief Engineer, PHED, Nagaland, Kohima- 797001.

FACT OF THE CASE

Shri. Inato Y. Chiso and Shri. Puloka Zhimo, had submitted an RTI application dated ***NIL*** addressed to the PIO, Public Health Engineering Department, Nagaland, Kohima, seeking the following information pertaining to the following Scheme under Dimapur and Zunheboto Districts from the year 2019 till date:

- i) *Kindly furnish all the sanctioned order allocated to the Public Health Engineering Department (PHED), Government of Nagaland under Swaach Bharat Mission and Water & Sanitation support Organization (WSSO) from the year 2019 till date.*
- ii) *Kindly provide the detail list of how many community dust-bin / waste-bin has been distributed under Swaach Bharat Mission in Village-wise, Block-wise and District-wise along with photos and signboards for proof.*
- iii) *Kindly provide the detail list of how many community dust-bin / waste-bin has been distributed under Water & Sanitation support Organization (WSSO) in Village-wise, Block-wise and District-wise along with photos and signboards for proof.*
- iv) *Kindly provide the sanctioned order allocation to the Public Health Engineering Department (PHED), Government of Nagaland under National Rural Drinking Water Programme (NRDWP), Jal Jeevan Mission (JJM) from the year 2019 till date.*
- v) *Kindly furnish the detail list of beneficiaries in the Village-wise & Block-wise along with photos and signboards for proofs.*
- vi) *Kindly provide the list of beneficiaries for the traditional wells and tube wells assisted under National Rural Drinking Water Programme (NRDWP), Jal Jeevan Mission (JJM).*
- vii) *Furnish the total amount that has been sanctioned to each beneficiary for Top Roof Rainwater Harvesting, Iron Removal Plant and others under National Rural Drinking Water Programme (NRDWP), Jal Jeevan Mission (JJM).*
- viii) *Kindly furnish the photocopies of Progress Report submitted to the concern Department, GOI as well as State Government from the year 2019 till date.*
- ix) *Kindly furnish the Statement of Expenditure (SOE) Utilization Certificate (UC) to the Government of Nagaland and Government of India under Swaach Bharat Mission, WSSO, NRDWP/JJM from 2019 till date.*

On receipt of the above RTI application by the PHED on **28.02.2022**, since there was no response even after the expiry of the stipulated time of **30 (thirty) days**, the applicants had submitted First Appeal dated ***NIL*** to the Appellate Authority, PHED, Nagaland, Kohima which was received by the PHED on **19.04.2022**.

The information sought pertaining to Dimapur District was furnished to the applicants (now appellants) on **19.04.2022** by the Dimapur Urban & Rural Division however Zunheboto District Division had failed to furnish the information till the date of submission of the Second Appeal to the Commission.

On receipt of the aforementioned First Appeal, the Chief Engineer & FAA, PHED, Nagaland, Kohima had conducted hearing on **10.05.2022** and passed its decision assuring to furnish the complete information by **17.05.2022**. However, since no information was received even after the expiry of the date i.e. **17.05.2022** pronounced by the FAA in its decision, and inspite of Er. Inashe Kiba, Additional Chief Engineer & PIO, PHED, Nagaland, Kohima directive vide No. CE/PHE/RTI/2005/103 dated 10.05.2022 to the Executive Engineer, PHED, Zunheboto Division to furnish the information sought without fail before 17.05.2022, the applicants (now appellants) had filed the Second Appeal dated ***NIL*** to the Commission.

The Commission had, on **18.05.2022** received the above Second Appeal dated ***NIL*** submitted by Shri. Inato Y. Chiso, Dimapur & Shri. Puloka Zhimo, Maromi Village, for not furnishing the complete information as sought even after the First Appeal hearing on **10.05.2022** and decision passed by the FAA to furnish the remaining information by **17.05.2022**.

Since the Commission was not satisfied and convinced with the above decision/order of the FAA, the Commission has decided to hear the above mentioned appeal giving opportunity of being

heard to all the parties on **08th June, 2022 (Wednesday) at 1:00 P.M in the Hearing Room of Nagaland Information Commission, Agri-farm Colony, Lane-6, H/No. AFC/578, Nagaland, Kohima** and had also directed the parties to bring the files and relevant documents in question for scrutiny, and to appear before the Commission on the above date and time for hearing, with preventive measures such as wearing of facemask and social distancing etc.:-

1. Er. Repangyangba Longkumer, Chief Engineer & First Appellate Authority, PHED, Nagaland, Kohima -797001.
2. Er. Inashe Kiba, Addl. Chief Engineer & PIO, PHED, Nagaland, Kohima-797001.
3. Er. L. Layang Khamniungam, S.E(P&T) & APIO Office of the Chief Engineer, PHED, Nagaland, Kohima- 797001.
4. Er. H. John, J.E, PHED, Zunheboto Division, Nagaland.
5. The applicants (now appellants), Shri. Inato Y. Chiso, Dimapur, *M/No. 9863302011* & Shri. Puloka Zhimo, Maromi Village, *M/No. 9856949896*.

OBSERVATIONS AND FINDINGS:

During the hearing, Er. Repangyangba Longkumer, Chief Engineer & FAA, PHED informed that the Addl. Chief Engineer & PIO, PHED, Nagaland, Kohima could not attend the hearing due to ill-health and that the APIO also could not attend the hearing as he was attending training at Bhubaneswar. He stated that the public authority had received the RTI application dated 28.02.2022 on 28.02.2022, however, the PIO, Office of the Chief Engineer, PHED received only on 07.03.2022 and had transferred it to the Dimapur and Zunheboto Divisions on **08.03.2022**. The information was furnished to the applicants (now appellants) on **19.04.2022** by the Dimapur Urban & Rural Divisions, however Zunheboto Division had failed to furnish the information. Further, inspite of the FAA's Decision dated 13.05.2022 and the subsequent directive by the Addl. CE & PIO to the Executive Engineer, PHED, Zunheboto to furnish the information by 17.05.2022, no information was furnished to the applicants.

Er. Kitoshe Y. Aye, Executive Engineer, PHED, Zunheboto Division, submitted that he had received through Whatsapp, however, due to work pressure and on health grounds, he could not furnish the information and hence had requested for more time. He further expressed that due to ongoing projects and limited manpower, he could not furnish on time. He, however, stated that he had brought the information and had produced before the Commission.

On receipt of the information for Zunheboto Division during the hearing, the applicants (now appellants) pointed out that there were no photographs and that they would take some time to examine the documents. The applicants (now appellants) however **expressed satisfaction** with the information received earlier from the Dimapur Urban & Rural Divisions.

The Commission observed that as per the submission of Er. Repangyangba Longkumer, Chief Engineer & FAA, PHED in his decision dated 13.05.2022 and the applicants (now appellants) in their second appeal letter to the Commission, Dimapur Urban & Rural Divisions had furnished the information only on **19.04.2022**, the same date when the First Appeal was received, however, there was no record of furnishing the information. Hence, from the date of transfer of the RTI application by the PIO, Office of the Chief Engineer, PHED to the Divisions on **08.03.2022**, to the date of furnishing by the Dimapur Urban & Rural Divisions on **19.04.2022**, there was a delay of **twelve (12) days each** contributed by Er. Vikedulie, Executive Engineer & PIO, Dimapur, Rural and Er. (Miss) Bendangtola Walling, Executive Engineer & PIO, Dimapur, Urban for which penalty was attracted.

The Commission had also observed that, regarding Zunheboto Division, Er. Kitoshe Y. Aye, Executive Engineer, PHED, Zunheboto Division had, on receipt of the RTI application on 08.03.2022, could furnish the information only during the hearing on 08.06.2022. Hence, from the date of receipt of the RTI application on 08.03.2022 to the date of submission of information during the hearing on 08.06.2022, and taking into account the 30 days time for the PIO to furnish the information, there was a delay of **sixty one (61) days** for which penalty was attracted.

DECISION:

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

1. Since the information was furnished after the expiry of the 30 days time limit, Er. Kitoshe Y. Aye, Executive Engineer, PHED, Zunheboto Division shall furnish the information **free of cost within 10 (ten) days** from the date of receipt of this decision to the applicants (now appellants) and with a copy to this Commission.
2. On receipt of the information, the applicants (now appellants) shall submit satisfaction or non-satisfaction to the Commission **within 15 (fifteen) days** from the date of receipt of the information. In case, no confirmation is received from the applicants (now appellants) within the time frame given by the Commission, the case shall be presumed as satisfied and no further request to re-open the case shall be entertained.
3. Under Section 20 (1) of the RTI Act 2005, penalty at the rate of Rs. 250/- per day of delay for the delay of **twelve (12) days each**, amounting to **Rs. 3000/-** (Rupees three thousand only) **each** is imposed on Er. Vikedulie, EE & PIO, Dimapur, Rural and Er. (Miss) Bendangtola Walling, EE & PIO, Dimapur, Urban for their failure to furnish the information to the applicants (now appellants) within the prescribed time limit of 30 days without reasonable cause.

Further, penalty at the rate of Rs. 250/- per day of delay, amounting to Rs. 15,250.00 (Rupees fifteen thousand two hundred and fifty only) is also imposed on Er. Kitoshe Y. Aye, Executive Engineer, PHED, Zunheboto Division for contributing to the delay of **sixty one (61) days** in furnishing the information without reasonable cause.

The above penalty amounts shall be paid within **fifteen (15) days** from the date of receipt of this decision. The penalty amounts shall be deposited into the Government account through **treasury challan** in favour of the Accounts Officer, Nagaland Information Commission, Kohima under the Head of Account given below, with a copy (in original) to this Commission:-

0070 - Other Administrative Services
60 - Other Services
118 – Receipts under RTI Act, 2005

Decision pronounced in the presence of both the parties on 08.06.2022 at 01:00 PM.

Copies be given to:-

1. Er. Repangyangba Longkumer, Chief Engineer & First Appellate Authority, PHED, Nagaland, Kohima-797001.
2. Er. Inashe Kiba, Addl. Chief Engineer & PIO, PHED, Nagaland, Kohima-797001.
3. Er. Vikedulie, Executive Engineer & PIO, PHED, Dimapur, Rural.
4. Er. (Miss) Bendangtola Walling, Executive Engineer & PIO, Dimapur, Urban.
5. Er. Kitoshe Y. Aye, Executive Engineer, PHED, Zunheboto Division.
6. The Accounts Officer, Nagaland Information Commission, Kohima.
7. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
8. The applicants (now appellants), Shri. Inato Y. Chiso, Dimapur, Mobile No. 9863302011 & Shri. Puloka Zhimo, Maromi Village, Mobile No. 9856949896.
9. Office Copy.

(I. MEYIONEN JAMIR)

Chief Information Commissioner

(G. H. RAMLIA)
State Information Commissioner

(KEVIZATUO MIACHIEO)
State Information Commissioner