

NAGALAND INFORMATION COMMISSION
Agri-Farm Colony, Lane-6, H/No. AFC-578
Nagaland, Kohima-797001

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No. NIC/Appeal-18/2022-23

Dated Kohima, the 22nd August, 2022

Appellant : Shri. Ngaulu,
Jalukie Town,
Peren - 797101, M/No. 7085686429 / 7085426917.

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

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

(iii) Er. Bursenla Ao,
Executive Engineer & PIO,
PHED, Peren Division,
Nagaland, Peren.

Public Authority : PHED, Nagaland, Kohima.

Date of hearing : 04/08/2022 at 1:30 PM.

Date of Decision : 22/08/2022

Present:

1. Er. Repangyangba Longkumer, Chief Engineer & First Appellate Authority, PHED, Nagaland, Kohima-797001, Mobile No. 9436006161.
2. Er. Inashe Kiba, Addl. Chief Engineer & PIO, Office of the Chief Engineer, PHED, Nagaland, Kohima-797001, Mobile No. 6009171669.
3. Er. Bursenla Ao, Executive Engineer & PIO, PHED, Peren Division, Nagaland, Peren, Mobile No. 9856250507.
4. Shri. Khriesilie Solo, Computer – II, Office of the Chief Engineer, PHED, Nagaland, Kohima-797001, Mobile No. 9774409067.
5. Smti. Yangtsali Sangtam, Consultant, Office of the Chief Engineer, PHED, Nagaland, Kohima-797001, Mobile No. 9862743270.
6. The applicant (now appellant), Shri. Ngaulu, Jalukie Town, Peren - 797101, M/No. 7085686429 / 7085426917.

FACT OF THE CASE

The Commission had on **12/07/2022** received a second appeal dated **NIL** from Shri. Ngaulu, Jalukie Town, Peren - 797101, M/No. 7085686429 / 7085426917 against incomplete information furnished by the FAA to his first appeal dated **NIL** which was submitted against the non-response of the Executive Engineer & PIO, Office of the Executive Engineer, PHED, Peren, Nagaland, to his RTI application dated **NIL**.

Shri. Ngaulu had submitted an RTI application dated **NIL** along with an application fee of Rs. 10 (Ten) addressed to the PIO, Office of the Chief Engineer, Public Health Engineering Department, Nagaland, Kohima, seeking the following information mentioned below:

1. *Kindly furnish year wise under Swachh Bharat Mission (SBM) Scheme in respect of Peren District, list of beneficiary, name of the Village/Town, actual cost of SBM Scheme whether the*

Project is complete or not, amount to be paid, how much money and what type of material should a beneficiary get from SBM Scheme, name of Nodal Officer and designation year wise 2014 till date.

2. *Furnish year wise under Jal Jeevan Mission (JJM) fund release and work order issue in respect of Peren District, name of the Village/Town, total amount of the Project of JJM, detail of the Project, tenure from which date work order is issued, whether the Project is completed or not, if any, completed Certificate Xerox copy, amount to be paid, name of the contractor, 2019 to till date.*
3. *Furnish the year wise District/Block wise break up allocation, fund released in respect of Peren District, name of the Scheme/Project total amount, name of Village/Town 2017 till date.*
4. *Kindly furnish the detail of NLCPR Scheme, total amount of the Project, name of the Village/Town, how much amount has been released and amount to be released till now, whether the Project is completed or not, if any, complete Certificate (Xerox copy), name of the contractor and tenure of the Project from which date/year work order issued, expired date and year, if any ongoing Project process and counter sign by Chairman/GB or Department (Xerox copy), if any agreement by the Department or by third party (Xerox copy) in respect of Peren District 2014 to till date.*

On receipt of the RTI application on **10/05/2022**, Er. Inashe Kiba, Addl. Chief Engineer & PIO, O/o the Chief Engineer, PHED, Nagaland, Kohima had, vide letter **No.CE/PHE/RTI/2005/102** dated **10/05/2022** transferred the RTI application to the Executive Engineer, PHED, Peren Division under section 6 (3) of the RTI Act, 2005. However, the applicant had submitted first appeal dated NIL addressed to FAA, O/o the Chief Engineer, PHED, Nagaland, Kohima on the ground that no information have been received.

Meanwhile, on receipt of the RTI application, Er. Bursenla Ao, Executive Engineer & PIO, PHED, Peren Division had, vide letter **No.EE/PHE/RTI/2021-22** dated **19/05/2022** furnished the information to the applicant enclosing information for query at Sl.No.2 to Sl. No. 5 during 2014-2015 to 2021-2022 for JJM/SBM/NLCPR scheme under the establishment of EE, PHED, Peren Division.

On receipt of the information from the Executive Engineer & PIO, PHED, Peren Division, the applicant had submitted an undertaking dated 11/07/2022 withdrawing the RTI appeal submitted on 13/06/2022 addressed to the Appellate Authority, PHED, Kohima since the information was furnished by the EE, Peren Division, however, the applicant claimed that he had signed it without proper verification and through oversight.

On receipt of the First Appeal dated NIL by the public authority on **13/06/2022**, since there was no response or action from the FAA and that the information furnished for query 2-5 were misinformation and incomplete, the applicant(now appellant) had submitted second appeal dated NIL to the Commission.

On receipt of the second appeal dated NIL by the Commission on 12/07/2022, since the applicant (now appellant) is not satisfied with the information furnished by the PIO, the Commission has decided to hear the above mentioned appeal giving opportunity of being heard to all the parties on **04th August, 2022 (Thursday) at 01:30 P.M in the Hearing Room of Nagaland Information Commission, Agri-farm Colony, Lane-6, H/No.AFC/578, Nagaland, Kohima** and had directed 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 with a request to attend the hearing with preventive measures such as wearing of face mask 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, Office of the Chief Engineer, PHED, Nagaland, Kohima-797001.
3. Er. Bursenla Ao, Executive Engineer& PIO, PHED, Peren Division, Nagaland, Peren-.
4. The applicant (now appellant), Shri. Ngaulu, Jalukie Town, Peren - 797101, M/No. 7085686429 / 7085426917.

OBSERVATIONS AND FINDINGS:

During the hearing, the applicant (now appellant) stated that he had submitted the RTI application dated NIL on 10.05.2022 to the Office of the Chief Engineer, PHED, Kohima and since no reply was received from the PIO, a first appeal dated NIL was filed on 13.06.2022. The applicant (now appellant) further stated that he received the information on 17.06.2022, however he was not satisfied with the replies to the queries No. 2, 3 and 5 of his RTI application and had submitted second appeal dated NIL, which the Commission received on 12.07.2022.

The replies were not satisfied on the grounds given below:-

On Query No. 2: Mis-information and incomplete since only village name and total amount village-wise were given but not the names of individual beneficiary under Swachh Bharat Mission (SBM).

Er. Bursenla Ao, Executive Engineer & PIO, PHED, Peren Division, Nagaland explained that CSC is a community toilet and not pertaining to an individual and hence the village is the beneficiary. She further stated that since selection was done by the village, records should be available with the village authorities. The office does not maintain the list of beneficiaries or records but only the amount paid to the villages and the contractors.

On Query No. 3: Mis-information and incomplete.

The PIO submitted that the fund released year-wise under Jal Jeevan Mission (JJM), work order, date of issue of Work orders, amount paid to the contractor, name of contractor and completion status were already furnished.

Further, she explained that the department do not execute the works since the works are allotted to the village and executed through the WATSAN Committee, however, if the village wants to engage other party, WATSAN Committee may give No Objection Certificate for the execution of works.

The applicant (now appellant) expressed satisfaction with the above explanation.

On Query No. 5: the applicant stated that the reply was not received.

However, the PIO replied that two (2) projects under NLCPR are implemented in Peren and had already furnished whatever available information with the office.

The applicant (now appellant) further pointed out that there was no expiry date and year of the work order issued.

The PIO replied that since the query was not clear or understood, reply could not be given.

However, the Commission observed that work orders contains such details and hence considered as furnished.

The applicant (now appellant) stated that the Completion Certificate should have been certified by the Village Chairman if completed. However, the PIO replied that since some of the projects are ongoing, the Completion Certificate cannot be given.

The applicant (now appellant) stated that he had received from the SDO Office and not from the PIO. The PIO replied that the information was furnished but the applicant had different copy. The Commission directed to produce a copy of the information/ documents and handover to the applicant.

The applicant (now appellant) was given time to scrutinise the information during the hearing and after scrutiny, he expressed satisfaction.

On being asked the applicant (now appellant) by the Commission as to why he had filed second appeal the next day i.e. on 12.07.2022 after signing the undertaking on 11.07.2022 withdrawing his appeal submitted on 13.06.2022, the applicant (now appellant) stated that after filing the first appeal, he had received a phone call from the FAA on 13th June, 2022 to come and sign (a preformatted undertaking) to proceed for a second appeal stating it was necessary. He stated that since it was raining heavily that day and he was in a hurry to go back to Jalukie, he had signed

the undertaking in a hurry and later realised that he was deliberately misled and had signed oversight on the formatted copy dated 11th July, 2022.

DECISION

In view of the above explanation and observations, since the since the applicant (now appellant) had expressed his satisfaction with the information so furnished by the PIO, the Commission had decided to declare the appeal case **closed**.

Decision pronounced in the presence of both the parties on 04.08.2022 at 1:30 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, Office of the Chief Engineer, PHED, Nagaland, Kohima-797001.
3. Er. Bursenla Ao, Executive Engineer & PIO, PHED, Peren Division, Nagaland, Peren-797101.
4. The applicant (now appellant), Shri. Ngaulu, Jalukie Town, Peren - 797101, M/No. 7085686429 / 7085426917.
5. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
6. Office Copy.

Sd/-

I. MEYIONEN JAMIR
Chief Information Commissioner

Authenticated true copy:

(Worhonthung Ezung)
Deputy Secretary