

NAGALAND INFORMATION COMMISSION
Agri-Farm Colony, Lane-6, H/No. AFC-578
Nagaland: Kohima-797001
Email: cic.nagaland@gmail.com | Website: www.nlsic.nagaland.gov.in



No. NIC/APPEAL-22/2022-23

Dated Kohima, the 26th August, 2022

Subject: Notice for Hearing on 7th September, 2022 (Wednesday) at 11:30 A.M.

WHEREAS, the Commission had received a Second Appeal dated **17.12.2021** from **Shri. Katho P. Awomi**, Nikique Village, Dimapur, M/No. 8413045755 and **Homugha H. Achumi**, Ghokhuvi Village, Zunheboto, against the non-response of the Chief Engineer & FAA, Water Resources Department, Nagaland, Kohima to his First Appeal dated **26/09/2021**, which was submitted against the non-response by the PIO to his RTI application dated NIL which was received by the office on **15/09/2021**.

AND WHEREAS, the applicants had jointly submitted an RTI application dated **NIL** along with an application fee of Rs. 10 to the PIO, Water Resources Department, Nagaland, Kohima seeking the information of the following *scheme from the year of implementation till date*

- i. *Minor Irrigation.*
- ii. *Command Area Development and Water Management.*
- iii. *Anti-Erosion Works (Flood Control).*
- iv. *Rationalization of minor irrigation statistics.*
 - a. *Year of implementation of the above mentioned schemes.*
 - b. *Name and details of the funding agencies of the above mentioned schemes.*
 - c. *Furnish in abstract the total amount of funds received under the various above mentioned schemes (in yearly wise) along with a photocopy of the sanction order from both the center and the state.*
 - d. *Furnish in details the break-up of funds to various Districts and Blocks (In year wise) under the above mentioned schemes.*
 - e. *Furnish the details of the beneficiaries and the funds allocated against each beneficiary (in yearly wise) of the above mentioned scheme.*
 - f. *Furnish the photocopy of the Detailed Project Report (DPR) of various activities and programme undertaken or implemented under the above mentioned scheme.*
 - g. *Furnish the photocopy of the utilization Certificate (and other documents if any) to support the implementation of the above mentioned schemes duly acknowledged by the competent authority and the implementing officers.*

AND WHEREAS, on receipt of the RTI application dated NIL on **15/09/2021** as evidenced on the body of the RTI application, Er. Sobu Angami, PIO, Water Resources Department had, vide letter **No.WRD/RTI/Tech/Case No.10/2021/2698** dated **13/10/2021** informed the applicants to deposit an amount of Rs. 98,930/- (Rupees ninety eight thousand nine hundred and thirty only) only as cost of information for producing the photocopies of required documents or may visit the office during office working hours for study and reference.

AND WHEREAS, on not getting any response from the PIO to their RTI application the applicants had submitted First Appeal dated **26/10/2021** to the Chief Engineer & FAA, Water Resources Department.

AND WHEREAS, on receipt of the First Appeal dated **26/10/2021**, Er. Hotovi Ayemi, Chief Engineer & FAA had, vide letter **No.WRD/RTI/Tech/Case No.10/2021/2622** dated **23/11/2021** informed the applicants that the RTI application was still under the intervening period which was the time period between the date of intimation of the cost and the date when the applicants pays the amount. However, owing to digitization of data/ documents for updating on the Departmental website, the information sought was furnished on a CD.

AND WHEREAS, on receipt of the First Appeal dated **26/10/2021**, Er. Hotovi Ayemi, Chief Engineer & FAA had, vide letter **No.WRD/RTI/Tech/Case No.10/2021/2636** dated **23/11/2021** summoned the parties for First Appeal hearing on **25/11/2021 at 12:00 P.M.**, and after hearing the parties i.e the applicants and the PIO/APIO concerned, the Chief Engineer & FAA had passed decision vide **No.WRD/RTI/Tech/Case No.10/2021/2676** dated **29/11/2021** stating that the time period has not lapsed as the RTI application was still in intervening period, however, if the applicants agree to take the information in soft copy it is available with the department, and if the applicants insist on hard copy, the cost of information as intimated earlier has to be paid. However, the applicant insisted that the information is to be provided in the form as sought in the RTI application and not in any other form.

AND WHEREAS, on not being satisfied with the First Appeal decision, the applicants (now appellants) had submitted Second Appeal dated **17.12.2021** to the Nagaland Information Commission.

AND WHEREAS, on receipt of the Second Appeal dated **17/12/2021**, the Commission had, vide letter **No.NIC/Gen/RTI-19/17(Vol-I)/1461** dated **03/02/2022** directed the Chief Engineer & FAA, Water Resources Department to submit a copy of the letter dated **13/10/2021** alongwith the intimation to the applicants (now appellants) to deposit Rs. 98,930/- (Rupees ninety eight thousand nine hundred and thirty only) only towards the cost of information.

AND WHEREAS, on receipt of the above directive, Er. Hotovi Ayemi, Chief Engineer & FAA had, vide letter **No.WRD/RTI/Tech/Case No.10/2021/2850** dated **10/02/2022** submitted the copy of the cost of intimation letter along with the copies of the information furnished to the applicant (now appellants).

AND WHEREAS, on receipt of the copy of the cost of information the Commission had, vide letter **No.NIC/Gen/RTI-19/17(Vol-I)/1482** dated **22/02/2022** directed the applicants (now appellants) to pay/ deposit the amount and collect the information since the public authority had intimated through SMS on **13/10/2021** and had furnished the intimation letter dated **13/10/2021** to the Commission.

AND WHEREAS, on receipt of the Commission directive, the applicants (now appellants) had, vide letter dated **24/02/2022** requested the Commission to convene a proper hearing to the appeal case and allow the grievances to be presented by both the parties and further invite the justified judgments as appealed, since the PIO, O/o the Chief Engineer, Water Resources Department had misled him causing undue harassment and not implying or exercising as per the RTI Act and provision.

AND WHEREAS, on receipt of the request letter from the applicants (now appellants) the Commission had, vide letter **No.NIC/Gen/RTI-19/17(Vol-I)/1505** dated **16/03/2022** directed the applicants (now appellants) that the Commission earlier decision stands and that he is required to pay/ deposit the amount and collect the information.

AND WHEREAS, since the Commission is 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 **07th September, 2022 (Wednesday) at 11:30 A.M in the Hearing Room of Nagaland Information Commission, Agri-farm Colony, Lane-6, H/No. AFC/578, Nagaland, Kohima.**

NOW THEREFORE, it is notified that the following parties are 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. The following under mentioned officials are also requested to attend the hearing with preventive measures such as wearing of face mask and social distancing etc.

1. Er. Hotovi Ayemi, Chief Engineer & First Appellate Authority, Water Resources Department, Nagaland, Kohima-797001.
2. Er. Sobu Angami, PIO, Water Resources Department, Nagaland, Kohima-797001.
3. The applicants (now appellants), Shri. Katho P. Awomi, Nikique Village, Dimapur, M/No. 8413045755 and Homugha H. Achumi, Ghokhuvi Village, Zunheboto.

Sd/-

I.MEYIONEN JAMIR

Chief Information Commissioner

No. NIC/APPEAL-22/2022-23

Dated Kohima, the 26th August, 2022

Copy to:

1. The PS to the Chief Information Commissioner, Nagaland Information Commission for kind information of the CIC.
2. Er. Hotovi Ayemi, Chief Engineer & First Appellate Authority, Water Resources Department, Nagaland, Kohima-797001.
3. Er. Sobu Angami, PIO, Water Resources Department, Nagaland, Kohima-797001.
4. The applicants (now appellants), Shri. Katho P. Awomi, Nikique Village, Dimapur, M/No. 8413045755 and Homugha H. Achumi, Ghokhuvi Village, Zunheboto.
5. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
6. Office Copy.

(WORHONTHUNG EZUNG)

Deputy Secretary

Nagaland Information Commission