

NAGALAND INFORMATION COMMISSION
AGRI-FARM COLONY, LANE-6, H/NO. AFC-578
NAGALAND, KOHIMA-797001

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No. NIC/APPEAL-22/2022-23

Dated Kohima, the 10th October, 2022

Appellants : (i) Shri. Katho P. Awomi,
Nikique Village, Dimapur,
Mobile No. 8413045755,
and
(ii) Shri. Homugha H. Achumi,
Ghokhuvi Village,
Zunheboto.

Respondents : (i) Er. Hotovi Ayemi,
Chief Engineer & FAA,
Water Resources Department,
Nagaland, Kohima-797001.

(ii) Er. Sobu Angami,
Executive Engineer & PIO,
Water Resources Department,
Nagaland, Kohima-797001.

Public Authority : Office of the Chief Engineer, Water Resources Department,
Nagaland, Kohima.

Date of hearing : 07.09.2022 at 11:30 AM.

Date of Decision : 10.10.2022

Present:

1. Er. Hotovi Ayemi, Chief Engineer & FAA, Water Resources Department, Nagaland, Kohima-797001, *M/No - 9436000040*.
2. Er. Sobu Angami, Executive Engineer & PIO, Water Resources Department, Nagaland, Kohima-797001, *M/No - 9436001042*.
3. The applicant (now appellant), Shri. Katho P. Awomi, *M/No- 8413045755*.

Absent:

1. The applicant (now appellant), Shri. Homugha H. Achumi.

FACT OF THE CASE

Two applicants, **Shri. Katho P. Awomi**, Nikique Village, Dimapur, Mobile No. 8413045755 and **Homugha H. Achumi**, Ghokhuvi Village, Zunheboto, had submitted an RTI application dated NIL which was received by the office on **15/09/2021** along with an application fee of **Rs. 10/-** addressed to the PIO, Water Resources Department, Nagaland, Kohima seeking the information of the following schemes 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.*

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 as cost of information for producing the photocopies of required documents or may visit the office during office working hours for study and reference.

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.

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.

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.

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** along with the intimation to the applicants (now appellants) to deposit Rs. 98,930/- (*Rupees ninety eight thousand nine hundred and thirty*) only towards the cost of information.

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 intimation letter for the cost of information along with the copies of the information furnished to the applicants (now appellants).

On receipt of the copy of intimation letter for 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.

On receipt of the Commission's 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.

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** informed the applicants (now appellants) that the Commission's decision stands and that he is required to pay/deposit the amount and collect the information.

Since there was no response from the applicants (now appellants), 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** and hence the following parties were directed to appear before the Commission and **also to bring the files and relevant documents** in question for scrutiny on the above date and time for hearing, with preventive measures such as wearing of facemask and social distancing etc.

1. Er. Hotovi Ayemi, Chief Engineer & First Appellate Authority, Water Resources Department, Nagaland, Kohima-797001.
2. Er. Sobu Angami, Executive Engineer & 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.

OBSERVATIONS AND FINDINGS:

During the hearing, Er. Sobu Angami, Executive Engineer & PIO submitted that, the RTI application dated NIL was received on **15.09.2022** and the 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 as cost of information for producing the photocopies of required documents.

Shri. Katho P. Awomi, who represented both the applicants(now appellants) stated that, during the First Appeal hearing, he got the information on CD (soft copy), however, since he wanted the information in hard copy, he had submitted the Second Appeal to the Commission.

Er. Sobu Angami, Executive Engineer & PIO, Water Resources Department stated that information in soft copy was given to the applicants (now appellants), however the department had not furnished the hard copy since payment was not made.

The Commission observed that the RTI application dated **NIL** was received on **15.09.2021** and hence the **30 (thirty) days** time should have been lapsed by **15.10.2021**, however since the PIO had informed the applicants (now appellants) to deposit the cost of information on **13.10.2021**, the intervening period started from the above mentioned date *i.e 13.10.2021* under **Section 7 (3) (a) of the RTI Act, 2005** which is excluded for calculating the period of **30 (thirty) days**. Hence, the Commission agreed with the PIO that if the cost of information is not paid, information cannot be furnished.

On being asked by the Commission whether the applicants (now appellants) was satisfied with the information received on CD (soft copy), Shri. Katho P. Awomi, who represented both the applicants (now appellants) stated that they are satisfied with the information received.

The Commission also observed that there was no delay on the part of the Public authority, hence no penalty was attracted.

DECISION:

On the above observations and findings, since the applicants (now appellants) had expressed satisfaction with all the information furnished to them as sought by the respondents, the Commission declared the Appeal case as **closed**.

Decision pronounced in the presence of both the parties on ***07.09.2022*** at ***11:30 AM***.

Copies be given to:-

1. Er. Hotovi Ayemi, Chief Engineer & First Appellate Authority, Water Resources Department, Nagaland, Kohima-797001.
2. Er. Sobu Angami, Executive Engineer & 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.
4. The Computer Programmer, Nagaland Information Commission for uploading on the website.
5. Office Copy.

Sd/-

I. MEYIONEN JAMIR
Chief Information Commissioner

Authenticated true copy:

(Worhonthung Ezung)
Deputy Secretary