

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/COMPLAINT-2/2022-23 **Dated Kohima, the 29th August, 2022**

Complainants : (i) Shri. Tiaakum, *M/No- 7005290561*,
and
(ii) Shri. Zungasusang, *M/No- 9089551233*.

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. Vikeduolie,
Executive Engineer & PIO,
PHED, Rural Division,
Dimapur, Nagaland-797112.

Public Authority : Office of the Chief Engineer, PHED, Nagaland, Kohima.

Date of hearing : 04.08.2022 at 1:00 PM.

Date of Decision : 29.08.2022.

Present:

1. Er. Repangyangba Longkumer, Chief Engineer & FAA, PHED, Nagaland, Kohima-797001A, *M/No - 9436006161*.
2. Er. Inashe Kiba, Addl. Chief Engineer & PIO, PHED, Nagaland, Kohima-797001, *M/No - 6009171669*.
3. Er. Vikeduolie, Executive Engineer & PIO, PHED, Rural Division, Dimapur, Nagaland-797112, *M/No - 9436012280*.
4. Shri. Khriesilie Solo, Computer-II, PHED, Nagaland, *M/No - 9774409067*.
5. Shri. Yangtsali Sangtam, Consultant, PHED, Nagaland, *M/No - 9862743270*.
6. The applicants (now appellants), Shri. Tiaakum, *M/No- 7005290561* and Shri. Zungasusang, *M/No- 9089551233*.

FACT OF THE CASE

Two applicants, Shri. Tiaakum and Shri. Zungasusang, had submitted an RTI application dated *NIL(received by the Department on 27.02.2020)* along with an application fee of **Rs. 10/-** addressed to the PIO, PHED, Rural Division, Dimapur, seeking the following information under the department of PHED (Rural Division), Dimapur regarding constructions of toilets under Swatch Bharat Mission (SBM) under Dimapur District;

- 1) *When was the scheme implemented.*
- 2) *Guidelines of implementation.*
- 3) *Total amount of funds sanctioned under the department for construction of toilets.*
- 4) *Furnish the detailed project report, statements of expenditure and utilization certificate counter signed by the authorities to support the implementation of works.*

5) *Kindly provide the names of beneficiaries and amount allotted to each household for construction of toilets.*

On receipt of the RTI application on **27/02/2020**, Er. Vikeduolie, Executive Engineer & PIO had, vide letter **No.EE/PHE/R/DMR/RTI/2014-15/1101** dated **20/03/2020** furnished all the information to the applicants regarding constructions of toilets under Swatch Bharat Mission (SBM) implemented since 2015-16 under Dimapur districts and had enclosed:-

1. *Total amount of funds received by the Division till date.*
2. *Statements of expenditure under Swatch Bharat Mission (IHHL).*
3. *Names and details of IHHL beneficiaries.*

On receipt of the information from the Executive Engineer & PIO, Rural Division, Dimapur, the applicants had submitted a letter dated **NIL**(received by the Department on **18.05.2020**) seeking clarification and appealed to the Executive Engineer & PIO, Rural Division, Dimapur to provide the requisite information as sought *within 7 (Seven) days*, as the information provided was found to be unsatisfactory, incomplete and misleading.

On submission of the clarification letter on **18/05/2020** since there was no response from the Executive Engineer & PIO, Rural Division, Dimapur, the applicants (now complainants) had submitted complaint dated **21/08/2020**(received on **04.09.2020**) to the Nagaland Information Commission stating that despite serving notice to the PIO, PHED, Rural division, Dimapur they had failed to respond back to their request letter, therefore they had submitted a representation and had requested the Executive Engineer & PIO, Rural Division, Dimapur to forward it to the Chief Engineer Office, PHED relating to their RTI, however much to their surprise, the Office responded verbally through phone call that it cannot be done, moreover they went to the Office thrice to collect their representation letter yet they had failed to provide back their letter.

On receipt of the complaint dated **21/08/2020**, the Commission had, vide letter **No.NIC/Gen/RTI-19/17/1202** dated **21/09/2020** advised the applicants (now complainants) to submit first appeal to the Chief Engineer, PHED, Nagaland, Kohima under section 19 of the RTI Act, 2005.

Since there was no compliance to the Commission's directive dated **21/09/2020** and that the requisite information has not been furnished to the applicants (now complainants) by the PIO, the Commission has decided to hear the above mentioned complaint giving opportunity of being heard to all the parties on **04th August, 2022 (Thursday) at 01:00 P.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. Repangyangba Longkumer, Chief Engineer & First Appellate Authority, PHED, Nagaland, Kohima-797001.
2. Er. Vikeduolie, Executive Engineer & PIO, PHED, Rural Division, Dimapur, Nagaland-797112.
3. The applicants (now complainants), Shri. Tiaakum, *M/No - 7005290561* and Shri. Zungasusang, *M/No - 9089551233*.

OBSERVATIONS AND FINDINGS:

The applicants (now complainants) stated that they had received the information in **April, 2020** however since they found that the information was unsatisfactory, incomplete and misleading, they had submitted another application dated **NIL** seeking clarification. The application was reportedly received by the Head Assistant on **18.05.2020** as the PIO was not available in the Office on that day. The applicants(now complainants)further stated that while submitting their application, the Head Assistant apprised them that it would be the same response, and hence there was no response to their second application.

Er. Vikeduolie, Executive Engineer & PIO, PHED, Rural Division, Dimapur submitted that, he had furnished all the information as sought on **20.03.2020**. However, due to the prevailing COVID pandemic during that time there was some delay in receiving the information by the applicants (now complainants). He further stated that he did not receive the second application submitted by the applicants(now complainants)seeking clarification which the Head Assistant received on **18.05.2020**.

Er. Vikeduolie, Executive Engineer & PIO, PHED, Rural Division, Dimapur further submitted that, as clarification sought by the applicants (now complainants), the break-up of expenditure Village-wise and list of beneficiaries had already been furnished to them.

On examination, the Commission observed that, whatever information sought had been furnished to the applicant. **The Commission had also viewed seriously the action of the Head Assistant in trying to dispose the matter from his/her level** and therefore, cautioned that the RTI application should not be rejected but received and should be immediately forwarded to the PIO in future.

On the above clarification given by the PIO, applicants (now complainants) expressed their satisfaction.

Since the applicants (now complainants) had not appended the date in their RTI application, the Commission advised the applicants (now complainants) to always append the date in their RTI application in future.

DECISION:

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

Decision pronounced in the presence of both the parties on 04.08.2022 at 1:00 PM.

Copies be given to:-

1. Er. Repangyangba Longkumer, Chief Engineer& FAA, PHED, Nagaland, Kohima-797001A, M/No. 9436006161.
2. Er. Inashe Kiba, Addl. Chief Engineer& PIO, PHED, Nagaland, Kohima-797001, M/No. 6009171669.
3. Er. Vikeduolie, Executive Engineer & PIO, PHED, Rural Division, Dimapur, Nagaland-797112, M/No. 9436012280.
4. The Computer Programmer, Nagaland Information Commission for uploading on the website.
5. The applicants (now Complainants), Shri. Tiaakum, M/No- 7005290561 and Shri. Zungasusang, M/No- 9089551233.
6. Office Copy.

Sd/-

I. MEYIONEN JAMIR
Chief Information Commissioner

Authenticated true copy:

(Worhonthung Ezung)
Deputy Secretary
Nagaland Information Commission