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NAGALAND INFORMATION COMMISSION
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Nagaland, Kohima - 797004
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RIGHT TO INFORMATION

No. NIC/APPEAL-2/2024-25/291 **Dated Kohima, the 30th August, 2024**

Appellant : Shri. Hanso Chang,
Mobile No- 8787815876.

Respondents : (i) Shri. Thavaseelan K, IAS,
Principal Director & FAA,
Directorate of School Education,
Nagaland, Kohima.

(ii) Shri. Razouseyi Vese,
Additional Director & PIO,
Directorate of School Education,
Nagaland, Kohima.

(iii) Er. Hokato Sema,
Executive Engineer,
PWD (H) Education,
Nagaland, Kohima.

Public Authority : Directorate of School Education, Nagaland, Kohima.

Date of hearing : 21.08.2024 at 11:00 AM.

Date of Decision : 30.08.2024.

Present:

1. Shri. Thavaseelan K, IAS, Principal Director & FAA, Directorate of School Education, Nagaland, Kohima, Mobile No. 7005766737.
2. Shri. Razouseyi Vese, Additional Director & PIO, Directorate of School Education, Nagaland, Kohima, Mobile No. 8974866909.
3. Er. Hokato Sema, Executive Engineer, PWD (H) Education, Kohima, Nagaland, Mobile No. 8732872099.
4. Shri. Chonbenthung, Dealing Assistant (RTI), Directorate of School Education, Nagaland, Kohima, Mobile No. 9856843650.
5. Shri. Zulukaba Aier, Project Manager (MDM) Directorate of School Education, Nagaland, Kohima, Mobile No. 8132909823.
6. The applicant (now appellant), Shri. Hanso Chang, Mobile No- 8787815876.

FACT OF THE CASE

An applicant, Shri. Hanso Chang had submitted a RTI application dated 17.10.2023 addressed to the PIO, Directorate of School Education, Nagaland, Kohima seeking the following information:-

1) *Whether the funds allotted to the Department of School Education by the State Government amounting to 6.56 Cr for the construction of Govt. High School (GHS), District Education Officer (DEO), and Senior District Education Officer (SDEO) and for extension of classroom was done? If so, kindly provide the details of the project.*
2) *It is therefore, reported that there are 26 cases of misappropriation and loss including government money of Rs. 207.24 crore which involves 12 departments and various*

unnamed departments and that, why there are only five(5) cases reported/ pending/ admitted in the court of law, where are the other 19 cases?.

3) *What are the other twelve (12) departments and unnamed departments are as mentioned in the Assembly Session of the 13th Nagaland Legislative Assembly on March 22nd which was later updated on 23rd March 2022?*
4) *According to the State Finance Audit Report of the Comptroller and Audit General of India, it was reported that a sum of Rs. 82.79 crores is in two different cases, in which a sum of Rs 70 crore is in waiting departmental and criminal investigation. Hereinafter, the remaining 12 crores is missing.*

On non-response of the PIO, Directorate of School Education, Nagaland, Kohima to his RTI application dated *17.10.2023*, the applicant (now appellant) had, preferred first appeal dated ***NIL*** which was received by the public authority on 17.01.2024 as per the WhatsApp screenshot attached.

On receipt of the RTI application, Er. Hokato Sema, Executive Engineer, PWD (H) Education, Kohima Nagaland had, vide letter No.EE/EDN/AC-11/pt.11 dated **28.02.2024** forwarded to the Addl. Director & PIO, School Education, Nagaland Kohima the detail break up of funds with regard to Govt. sanction of Rs 656.50 Lakhs for construction of GHS, DEO & SDEO offices and extension of classrooms. He further stated that the sanction of Rs. 250.00 Lakhs for Sainik does not come under the queries of RTI.

On receipt of the above reply/ information on 29.02.2024, since he was not satisfied with the reply of the PIO, Directorate of School Education, Nagaland, Kohima, the applicant (now appellant) had, preferred Second appeal dated ***NIL*** which was received by the Commission on 16.04.2024.

On receipt of the second appeal, since the first appeal was not heard the Commission had, vide letter of even No. dated 20.*05.2024* directed the Principal Director& FAA, Directorate of School Education, Nagaland, Kohima to hear the first appeal and pass decision ***within 30 (thirty) days*** from the date of receipt of its directive and to submit a copy of the decision to this Commission.

In compliance to the Commission's directive, Shri. Thavaseelan K, IAS, Principal Director & FAA, Directorate of School Education, Nagaland, Kohima had, after hearing the first appeal on ***18.06.2024*** at **12:00 Noon,** passed decision vide No. ED/RTI/MISC-2/2017 dated 18.06.2024 wherein the Executive Engineer, PWD (H) Education Division was directed to furnish the information pertaining to query No. 2 within two (2) days from the date of hearing. Further, while passing the decision, the FAA had furnished the reply to the query No. 4 as *"for Rs. 70 crores, the case is under investigation and for Rs. 12 crores, Rs. 40,77,650 has been recovered during investigation and now the case is charge sheeted and is under trail in the court".*

In compliance to the direction of the Principal Director & FAA, School Education, Er. Hokato Sema, Executive Engineer, PWD (H) Education, Kohima Nagaland had, vide letter No.EE/EDN/AC-11/pt.II/34 dated **18.06.2024** submitted the reply to the Addl. Director & PIO, School Education, Nagaland, Kohima.

On receipt of the information from the Executive Engineer, PWD (H) Education, Kohima, Nagaland, the applicant (now appellant)had submitted to the Nagaland Information Commission dated 08.07.2024 stating that he was not satisfied since the same report was furnished to him which he had already received in his first RTI reply. Further, the applicant (now appellant) had, referring to the statement of the Hon'ble Chief Minister in his budget speech during the 13th Nagaland Legislative Assembly for the year 2022-23 on 22nd March, 2022 highlighted that ***"Rio stated that the Social Service Sector has been provided with an outlay of Rs. 131 crore. Of this, the Department of School Education has been provided Rs. 6.56 crore for construction of GHS, DEO/ SDEO offices and for extension of classrooms"***. However, the Directorate of School Education claimed that they were not aware of any such funds.

The applicant (now appellant) had, vide letter dated NIL, which the Commission had received on 26.07.2024, again submitted to the Commission specifying the grounds of his non-satisfaction of the information as follows:-

For query No. 1, regarding Nagaland Government sanction of 6.56 cr to School Education to construct offices of GHS, DEO and SDEO offices and for extension of classroom. The department is yet to clarify and below is the chart for your reference (extracted from a reliable source):

Sl. No	***Name of the Scheme/ programmes***	***Approved allocation for 2022-23***	***Negotiated Loan***	***Remarks as per my findings***
1	*Const. of GHS, Zunheboto.*	*150.00*		*Transferred to NABARD*
2	*Const. of GHS, Purana Bazar, Dimapur.*	*150.00*		*Transferred to NABARD*
3	*Const. of DEO Office, Zunheboto*	*62.00*		*Constructed through State Plan*
4	*Const. of SDEO/DEO Office, New Peren.*	*38.00*		*Constructed through State Plan*
5	*Const. of GHS, Tamlu.*	*76.50*		*Constructed through State Plan*
6	*Const. of 60 bedded Girls Hostel at Sainik School, Punglwa.*	*250.00*		*Transferred to NABARD*
7	*Extension of classroom at GHSS, Jotsoma.*	*100.00*		*Constructed through NABARD*
8	*Extension of Classroom at GHS, Pfutsero.*	*80.00*		*Constructed through NABARD*
	Total:	*906.50*		

However, a sum of only 176.50 (Sl. No, 3, 4 and 5) has been utilized through State Plan whereas State Govt. had already sanctioned Rs. 6.56 cr. Therefore, I would like to seek in detail about the remaining amount and its utilization.

Regarding query No 2 and 3, the department had clearly explained to me that they cannot identify all the departments and therefore I am satisfied with their explanation.

Regarding query No. 4, I was informed that the matter is under investigation and charge sheeted under trail court. However, I did not receive any hard copy or evidence pertaining to it. Therefore, I would like to appeal to the Commission to intervene on the matter.

Since the applicant (now appellant) is not satisfied with the information even after the first appeal hearing, the Commission has decided to hear the above mentioned appeal by giving opportunity of being heard to all the parties on **21st August, 2024 (Wednesday) at 11:00 A.M in the Hearing Room of Nagaland Information Commission, Nagaland Commissions' Complex, Below NBCC Convention Centre, Nagaland, Kohima** and notified the following parties 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:-

1. Shri. Thavaseelan K, IAS, Principal Director & FAA, Directorate of School Education, Nagaland, Kohima.
2. The Addl. Director & PIO, Directorate of School Education, Nagaland, Kohima.
3. Er. Hokato Sema, Executive Engineer, PWD (H) Education, Kohima, Nagaland.
4. The applicant (now appellant), Shri. Hanso Chang, Mobile No- 8787815876.

OBSERVATIONS AND FINDINGS

Since the applicant (now appellant) had submitted his non-satisfaction with ***Query Nos. 1 & 4*** and that replies to Query Nos. 2 & 3 were satisfied, the Commission announced that only query Nos. 1 and 4 shall be heard in the hearing.

During the hearing, the applicant (now appellant) stated that he was not satisfied with the reply to **his query No. 1**, since as per the statement of the Hon'ble Chief Minister in his budget speech during the 13th Nagaland Legislative Assembly for the year 2022-23, "*the Department of School Education has been provided Rs. 6.56 crores for construction of GHS, DEO/ SDEO offices and for extension of classrooms*", however, the Directorate of School Education claimed that they were not aware of any such funds and denied having received the funds. The applicant (now appellant) further stated that as per the information received from the Finance Department, out of the total Rs. 6.565 crores sanctioned by the State Government, some of the constructions and extension of classrooms were done through the NABARD (National Bank for Agriculture and Rural Development) amounting to Rs. 4.80 crores and since only Rs. 1.765 crores or Rs. 176.50 lakhs have been utilized through the State Plan, he had sought the details about the remaining amount and their utilization.

Shri. Thavaseelan K, IAS, Principal Director & FAA, Directorate of School Education, Nagaland, Kohima stated that during the hearing of the first appeal held on 18.06.2024, the applicant had been provided with the information regarding the funds received. He stated that in the Chief Minister's budget speech, the amount mentioned was Rs. 6.565 cr. which was excluding Rs. 2.50 cr. allocated for the construction of *Girls Hostel at Sainik School, Punglwa* out of the total of Rs. 906.50 lakhs or Rs. 9.065 Cr. He further explained that the government had borrowed from the NABARD and implemented the projects.

The applicant (now appellant) stated that he had received the information from the Finance Department, however, since the public authority had not explained to him earlier, he was not satisfied. He, however, stated that he would be satisfied if the details of the projects be given to him as sought.

Regarding query No. 4, the applicant (now appellant) stated that he was not satisfied since he did not receive any proof of documents that the matter was under investigation.

The Principal Director & FAA stated that the matter is in Lok Ayukta and the charge sheet can be furnished after receiving it from the Lok Ayukta.

Regarding the delay, the Commission observed that on receipt of the RTI application dated 17.10.2023 on the same date i.e. 17.10.2023, the PIO had endorsed it to the Executive Engineer, PWD (H) Education, Kohima and the Senior Accounts Officer on 19.10.2023, as evidenced on the copy of the file movement register. It was also observed that the RTI application was also endorsed to the Nagaland Education Mission Society, Samagra Shiksha, Nagaland, Kohima, however, the PIO of Samagra Shiksha had replied that no sanction was received and no such projects were implemented.

On not getting any response to his RTI application dated 17.10.2023, the applicant (now appellant) had preferred first appeal dated NIL on 17.01.2024. And on receipt of the first appeal, it was again endorsed to the Executive Engineer, PWD (H) Education and the Sr. Accounts Officer on 08.02.2024, as evidenced on the copy of the file movement register.

In response, Er. Hokato Sema, Executive Engineer, PWD (H) Education, Kohima, Nagaland had, on **28.02.2024** and on **18.06.2024** (after the FAA's hearing), forwarded the detail break up of funds with regard to Govt. sanction of Rs. 6.565 crores for the construction of GHS, DEO & SDEO offices and extension of classrooms, addressed to the Additional Director & PIO, School Education, Nagaland Kohima, however, the Commission observed that there are no such documents received by the Commission showing that the Additional Director & PIO had furnished the information to the applicant, which had resulted in the filing of the appeals by the applicant. During the hearing, it was learnt that the Additional Director & PIO, School Education, Nagaland Kohima had never received the reply addressed to him since the Executive Engineer, PWD (H) Education, Kohima, Nagaland had directly furnished the above reply to the applicant, as evidenced on the body of the letter dated 28.02.2024.

Although the Additional Director & PIO had endorsed to the Sr. Accounts Officer, the RTI application on 19.10.2023 and the first appeal on 08.02.2024, there are no records showing furnishing of any information either to the Additional Director & PIO or the applicant. Further, it was learnt that since the projects pertains to the Mid Day Meal Section, in the absence of the officials from the Mid Day Meals and Accounts Sections, and on the lack of sufficient documents, the Commission could not ascertain the delays and the persons responsible for contributing to the delay.

ORDER

On the above observations and findings, the Commission ordered that:-

1. Regarding **query No. 1**, Shri. Razouseyi Vese, Additional Director & PIO, Directorate of School Education, Nagaland, Kohima, shall furnish copies of the Sanction Orders, Drawal Authority, Utilisation Certificates and physical progress report for the list of the projects under both the State Plan and NABARD to applicant (now appellant) **within three (3) weeks** from the date of receipt of this decision and with a copy to this Commission.

2. Regarding **query No. 4**, Shri. Razouseyi Vese, Additional Director & PIO, Directorate of School Education, Nagaland, Kohima, shall obtain a copy of the **charge sheet** from the Lok Ayukta and provide to the applicant(now appellant) **within three (3) weeks** from the date of receipt of this decision and with a copy to this Commission.

3. On receipt of the above information for query No. 1 and 4 from the PIO, the applicant(now appellant) shall submit satisfaction/non-satisfaction to the public authority and with a copy to this Commission **within one (1) week** from the date of receipt of the information.

4. Regarding the delay, since the public authority could not produce any proof or documents and in the absence of the concerned persons from the Mid Day Meals and Accounts Sections, the Commission could not determine the delays and the persons responsible for contributing to the delay and hence decided to hear the parties again in the next hearing which shall be notified later.

Decision pronounced in the presence of both the parties i.e the respondents and the applicant (now appellant) on 21.08.2024 at 11:00 AM.

Copies be given to:

1. Shri. Thavaseelan K, IAS, Principal Director & FAA, Directorate of School Education, Nagaland, Kohima, Mobile No. 7005766737.
2. Shri. Razouseyi Vese, Additional Director & PIO, Directorate of School Education, Nagaland, Kohima, Mobile No. 8974866909.
3. Er. Hokato Sema, Executive Engineer, PWD (H) Education, Kohima, Nagaland, Mobile No. 8732872099.
4. The applicant (now appellant), Shri. Hanso Chang, Mobile No- 8787815876.
5. The Computer Programmer, Nagaland Information Commission for uploading on the website.
6. Office Copy.

Sd/-
I. MEYIONEN JAMIR
Chief Information Commissioner

Sd/-
T. KEKONGCHIM YIMKHIUNG
State Information Commissioner

Sd/-
NOSAZOL CHARLES
State Information Commissioner

Authenticated true copy:

(Worhonthung Ezung)
Deputy Secretary