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NAGALAND INFORMATION COMMISSION
Nagaland Commissions' Complex
Below NBCC Convention Centre
New Capital Complex
Kohima: Nagaland-797004
Email: cic.nagaland@gmail.com | Website: www.nlsic.nagaland.gov.in

No. NIC/APPEAL-30/2024-25 **Dated Kohima, the 28th March, 2025**

Subject: - Notice for hearing on 16th April (Wednesday), 2025 at 11:30 AM.

WHEREAS, the Commission had received a Second Appeal dated ***24.02.2025*** from Shri. ***Niuka Zhimo*** (9862733705) and Shri. ***Atobo Semi*** (7630802288) against the unsatisfactory response of the FAA, Water Resources Department, Nagaland to their First Appeal dated ***20.01.2025*** which was submitted against unsatisfactory response of the PIO, Water Resources Department, Chumoukedima, Nagaland to their RTI application dated ***05.12.2024***.

AND WHEREAS, the applicants had submitted a RTI application dated ***05.12.2024*** along with an application fee of Rs. 10/- addressed to the PIO, Water Resources Department, Dimapur, Nagaland seeking the following information pertaining to PMKSY of Dimapur District from 2019 till date as quoted below: -

1. *Kindly furnish the utilization certificate, completion certificate and work order?*
2. *Kindly furnish both sanctioned and release order and provide cheque leaves and bank statement.*
3. *Kindly furnish the name of the beneficiaries, villages and the amount received by the beneficiaries.*
4. *Kindly provide pictographically proof of the project along with its Geo-tagging assets and its ID No.?*

AND WHEREAS, on receipt of the above RTI application dated 05.12.2024, Er. ***Hutovi Swu***, Executive Engineer & PIO, Water Resources Department, Chumoukedima, Nagaland had, vide letter ***No. WRD/DD/TECH-26/2018-19/240-41*** dated ***20.12.2024***, informed the applicants that the cost of information was Rs. 200/- and requested to deposit and collect the information.

AND WHEREAS, on receipt of the payment for information, Er. ***Hutovi Swu***, Executive Engineer & PIO, Water Resources Department, Chumoukedima, Nagaland had, vide letter ***No. WRD/DD/TECH-26/2018-19/239*** dated ***20.12.2024*** furnished the information to the applicants.

AND WHEREAS, on not being satisfied with the reply of the PIO that the information provided was fabricated, misleading and incomplete and that the queries for the period 2019-2024 were not adequately provided, the applicants had submitted a First Appeal dated ***20.01.2025*** addressed to the FAA, Directorate of Water Resources, Nagaland, Kohima on the following grounds of appeal as quoted below: -

1. *Violation of Section 3: My fundamental right to access information has been denied as the reply was incomplete and vague.*
2. *Non-compliance with Section 4(1)(d): The public authority failed to provide clear and specific information that I requested.*
3. *Failure under Section 7(1): The PIO did not furnish the information in full within the mandated 30-day period.*
4. *Lack of Justification (Section 7(8): The PIO's reply does not adequately explain why the requested information, particularly for the period 2019-2024, could not be furnished.*

Following Right has been deprived.

1. *Right to Access Information (Section 3).*
2. *Obligation of Public Authority to provide Information Section 4(1)(d).*
3. *Right to timely Information Section 7(1).*
4. *Right to seek classification on denial Section 6 and Section 7(8).*

The information provided by the PIO appears to be illegitimate. Reports circumscribe discrepancies and do not reflect the actual ground reports.

AND WHEREAS, on receipt of the above First Appeal on 20.01.2025, Er. ***K. Hutoi Sema***, Chief Engineer & FAA, Water Resources Department, Nagaland, Kohima had, vide ***No. WRD/RTI/TECH/Case No. 22/2024/2747*** dated ***27.01.2025***, requested the applicants to

substantiate their allegation with evidence such that credibility may be established for initiating further necessary action.

AND WHEREAS, in response to the above letter of the FAA, the applicants had submitted another appeal dated ***04.02.2025*** to the FAA stating the following reasons for their dissatisfaction to the information furnished by the PIO: -

1. *Violation of Section 3: My fundamental right to access information has been denied as the reply was incomplete and vague.*
2. *Non-compliance with Section 4(1)(d): The public authority failed to provide clear and specific information that I requested.*
3. *Failure under Section 7(1): The PIO did not furnish the information in full within the mandated 30-day period.*
4. *Lack of Justification (Section 7(8): The PIO's reply does not adequately explain why the requested information, particularly for the period 2019-2024, could not be furnished.*

Key points to highlight:

1. *Denial without justification: The response states that the information is "Not available at the divisional level," which is not a valid exemption under the RTI Act. As per Section 4(1)(a) of the RTI Act, all public authorities are legally bound to maintain and disclose records.*
2. *Failure to provide financial records: My request for Utilization Certificates, Completion Certificates, Work Orders, sanctioned and released amounts, and bank statements has been denied without any valid legal reason. If payment were made through PFMS the department must provide transaction details. This violates the transparency and accountability provisions of the RTI Act.*
3. *Failure to provide year-wise information: The PIO has not provided the details for each year separately (2019, 2020, 2021, 2022, 2023, 2024, etc) which was specifically requested. This makes it difficult to analyze the allocation and utilization of funds over the years.*
4. *Only 24 beneficiaries listed instead of full records: The Response does not provide a complete list of all beneficiaries from 2019 till date. There is no justification as to why only 24 names have been provided.*
5. *Lack of Geo-Tagging & ID Numbers: The PIO has provided only 22 photographs without any geo-tagging details or asset ID numbers which were explicitly requested. Geo-Tagging is crucial to verify the actual location and execution of the projects.*
6. *Failure to provide year-wise information: The response does not contain segregated year-wise details of the projects from 2019 to date making it difficult to track project progress over time.*

PIO's response is vague and misleading: Instead of providing the requested data in a structured and comprehensive manner, the PIO has given an incomplete list that does not fulfill the RTI request.

The information provided by the PIO appears to be illegitimate. Reports circumscribe discrepancies and do not reflect the actual ground reports.

AND WHEREAS, on receipt of the above appeal, the FAA had, vide ***No. WRD/RTI/TECH/Case No. 22/2024/2887-89*** dated ***06.02.2025*** (but signed on 05.02.2025), directed the Executive Engineer & PIO, Water Resources Department, Chumoukedima, Nagaland to re-examine the RTI application and furnish the information as sought at the earliest with intimation to his office.

AND WHEREAS, on the direction of the Chief Engineer & FAA, Water Resources Department, Nagaland, Kohima, Er. ***Hutovi Swu***, Executive Engineer & PIO, Water Resources Department, Chumoukedima, Nagaland had, vide letter ***No. WRD/DD/TECH-26/2018-19/296-297*** dated ***19.02.2025***, invited the applicants to his office on any working day for clarification of the information provided.

AND WHEREAS, the applicants (now appellants) had filed a Second Appeal dated 24.02.2025 before the Commission stating that the FAA had, instead of hearing their appeal, directed the PIO to re-examine their RTI application which was in violation of Section 19(1) of the RTI Act, 2005. Further, on the above letter dated 19.02.2025 of the Executive Engineer & PIO, Water Resources Department, Chumoukedima, Nagaland to visit his office for

'clarification' instead of furnishing the information, the applicants (now appellants) feared to be a deliberate attempt to harass, intimidate, and discourage them.

AND WHEREAS, though the FAA had not heard the First Appeal, since the applicants (now appellants) had feared of harassment by demanding physical visit to the Executive Engineer & PIO's office at Chumoukedima, the Commission has decided to hear the above mentioned appeal by giving opportunity of being heard to all the parties on ***16th April, 2025 (Wednesday)*** at ***11:30 AM*** in the ***Hearing Room of Nagaland Information Commission, Nagaland Commissions' Complex, Below NBCC Convention Centre, New Capital Complex, 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.

1. Er. ***K. Hutoi Sema***, Chief Engineer & FAA, Water Resources Department, Nagaland.
2. Er. ***Hutovi Swu***, Executive Engineer & PIO, Water Resources Department, Chumoukedima, Nagaland.
3. The applicants (now appellants), Shri. ***Niuka Zhimo*** (9862733705) & Shri. ***Atobo Sumi*** (7630802288).

Sd/- **KEVISA KENSE, IAS (Rtd)**
Chief Information Commissioner

No. NIC/APPEAL-30/2024-25/682 **Dated Kohima, the 28th March, 2025**

Copy to:

1. The PS to the CIC, Nagaland Information Commission for kind information of the Chief Information Commissioner.
2. The PA to the SIC (N), Nagaland Information Commission for kind information of the State Information Commissioner.
3. The PA to the SIC (K), Nagaland Information Commission for kind information of the State Information Commissioner.
4. Er. K. Hutoi Sema, Chief Engineer & FAA, Water Resources Department, Nagaland.
5. Er. Hutovi Swu, Executive Engineer & PIO, Water Resources Department, Chumoukedima, Nagaland.
6. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
7. The applicants (now appellants), Shri. Niuka Zhimo (9862733705) & Shri. Atobo Sumi (7630802288).
8. Office copy.

28/3/25

(WORHONTHUNG EZUNG)
Deputy Secretary