

**NAGALAND INFORMATION COMMISSION
NAGALAND COMMISSIONS' COMPLEX
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No. NIC/APPEAL-3/2025-26 / 710

Dated Kohima, the 1st August, 2025

Appellant : Shri. S. Topeka Yephthomi,
President,
35 A/C Youth Congress,
Kaiho Memorial Building,
Thilixu Block III, Lane – 5,
Dimapur,
Mobile No. 8837209043.

Respondents : (i) Er. L. Leyang Khamniungan,
Chief Engineer & FAA,
PHED,
Nagaland, Kohima

(ii) Er. Gwatilo Tep,
Addl. Chief Engineer & PIO,
PHED,
Nagaland, Kohima

(iii) Er. Ichirangbe Zeliang,
Executive Engineer & PIO,
PHED, Zunheboto Division,
Zunheboto, Nagaland.

Public Authority : Office of the Executive Engineer & PIO,
PHED, Zunheboto Division, Nagaland.

Date of hearing : 31.07.2025 at 11:30 AM.

Date of Decision : 01.08.2025.

Present:

1. Er. L. Leyang Khamniungan, Chief Engineer & FAA, O/o the Chief Engineer, PHED, Nagaland, Kohima, Mobile No. 9862641601.
2. Er. Gwatilo Tep, Addl. Chief Engineer & PIO, O/o the Chief Engineer, PHED, Nagaland, Kohima, Mobile No. 9774020337.
3. Er. Ichirangbe Zeliang, Executive Engineer & PIO, PHED, Zunheboto Sub-Division, Nagaland, Mobile No. 9615541951.
4. Shri. Khriesilie Solo, Supervisor, RTI Cell, O/o the Chief Engineer, PHED, Nagaland, Kohima, Mobile No. 9774409067.
5. Shri. H. Yangtsali Sangtam, Duftry, RTI Cell, O/o the Chief Engineer, PHED, Nagaland, Kohima, Mobile No. 9862743270.
6. The applicant (now appellant), Shri. S. Topeka Yephthomi, President, 35 A/C Youth Congress, Kaiho Memorial Building, Thilixu Block III, Lane – 5, Dimapur, Mobile No 8837209043.

FACT OF THE CASE

An applicant, had submitted a RTI application dated 29.11.2024 along with application fee of Rs. 10/- only addressed to the Executive Engineer & PIO, PHED, Zunheboto Division, seeking the following information on JJM under Zunheboto block: -

1. *Kindly furnish the detail amount allotted to each Village under Zunheboto Block.*
2. *Kindly furnish the details on the number of reservoirs built on each Village under Zunheboto Block.*
3. *Enclose the photograph of water reservoirs built on each village under Zunheboto Block.*
4. *Give in abstract, the total number of taps and the total number of households in every village under Zunheboto Block.*
5. *Give abstract details of land compensation beneficiaries and the amount allotted.*
6. *Completion certificate issued by the Village Watsan Committee.*

On receipt of the above RTI application dated 29.11.2024 on the same date i.e 29.11.2024, since there was no response from the PIO to the above RTI application within the stipulated time period, the applicant had submitted a First Appeal dated 06.01.2025 addressed to the FAA, PHED, Nagaland, Kohima, for intervention.

On receipt of the first appeal dated 06.01.2025 by the O/o the Chief Engineer, PHED, Nagaland, Kohima on 06.01.2025 as evidenced on the body of the first appeal, the PIO had furnished the information to the applicant on 22.01.2025 though no proof of furnishing the information was found enclosed.

On receipt of the information from the PIO on 22.01.2025, since the information received was found to be **incomplete and misleading**, the applicant (now appellant) had submitted another appeal addressed to the FAA for **clarification on several discrepancies and omission** as below:-

1. **Lack of Geo-tagging:** *The information enclosed in Annex 3 fails to include geo-tagged assets, which are critical for verifying the accuracy of the locations of the work done. Geo-tagging is essential component for proper documentation and verification of site-related activities.*
2. **Contradictory information in Annexes 2 and 4:** *The details provided in Annex 2 and Annex 4 contradict the actual work performed on-site. This raises concerns about the accuracy and authenticity of the submitted data and requires thorough review and correction.*
3. **Absence of Photographic Evidence in FHTC:** *The FHTC (Functional Household Tap Connection) section is notably missing photographic proof of the completed work, which is vital to validate the execution of the work as per the standards set.*

On receipt of the subsequent appeal on 22.01.2025 as evidenced on the body of the letter, Shri. **Gwatilo Tep**, Addl. Chief Engineer & PIO, O/o the Chief Engineer, PHED, Nagaland, Kohima had, vide letter No. **CE/PHE/RTI/2005** dated **February 2025**, furnished the information submitted by the Executive Engineer, PHED, Zunheboto Division to the applicant (now appellant).

On receipt of the information on 28.02.2025, the applicant (now appellant) had submitted a Second Appeal dated 20.05.2025 to the Commission for intervention and necessary action stating that the following **discrepancies remained unresolved**:-

1. **Household Coverage:**

The data reflects extra or non-existent household in almost every village. This raises serious doubts about the authenticity of the beneficiary list and funds

utilization, suggesting possible misreporting or inflation of figures, which could amount to misappropriations of public funds.

2. Lack of Geo-tagged Photographs:

As per JJM guidelines and government circulars, all infrastructure created under the scheme must be geo-tagged to ensure transparency. The documents provided do not include geo-tagged in all photos, in violation of Section 4(1) (d) of the RTI Act, which mandates proactive disclosure of information to promote transparency.

3. Misleading Photographs:

The PIO has provided photographs of Functional Household Tap Connection (FHTC). However, ground verification reveals that in several villages:

- Some households shown as connected do not have any water taps access.
- Some taps are installed but no water has ever been supplied, defeating the objective of JJM.

Meanwhile the applicant (now appellant) had, vide letter dated **23.06.2025**, submitted to the Commission requesting for withdrawal of his Second Appeal dated 20.05.2025 stating that "due to certain developments and internal reconsideration," he has decided not to pursue the Appeal further at this stage, voluntarily without any pressure or coercion.

Since the Commission is not convinced with the above reason provided by the applicant (now appellant) for withdrawal of the Second Appeal, the Commission did not accept the withdrawal letter and has decided to hear the above mentioned appeal by giving opportunity of being heard to all the parties on **31st July, 2025 (Thursday)** at **11:30 AM** in the **Hearing Room of Nagaland Information Commission, Nagaland Commissions' Complex, Below NBCC Convention Centre, New Capital Complex, Nagaland, Kohima** and directed 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. The Chief Engineer & FAA, O/o the Chief Engineer, PHED, Nagaland, Kohima.
2. Er. Gwatilo Tep, Addl. Chief Engineer & PIO, O/o the Chief Engineer, PHED, Nagaland, Kohima.
3. The Executive Engineer & PIO, PHED, Zunheboto Division, Zunheboto, Nagaland.
4. The applicant (now appellant), Shri. S. Topeka Yephthomi, President, 35 A/C Youth Congress, Kaiho Memorial Building, Thilixu Block III, Lane - 5, Dimapur, Mobile No. 8837209043.

OBSERVATIONS AND FINDINGS:

The Commission observed that since there was no reply to his RTI application dated 29.11.2024 within the 30 days time limit, the applicant (now appellant) had filed a first appeal dated **06.01.2025** and only after filing the first appeal dated 06.01.2025, Er. Ichirangbe Zeliang, Executive Engineer & PIO, PHED, Zunheboto Sub-Division had, vide letter No. EE/PHE/ZBTO/RTI/01/25 dated **20.01.2025** submitted the information to the Superintending Engineer & APIO, O/o Chief Engineer, PHED, Nagaland, Kohima, which the applicant (now appellant) had received the information on **22.01.2025**. A copy of the above letter dated **20.01.2025** was produced during the hearing. However, on receipt of the information on 22.01.2025, the applicant (now appellant) had, on the same day submitted subsequent first appeal dated **22.01.2025** for the second time since he was not satisfied. Nevertheless, after filing the subsequent first appeal dated 22.01.2025, the information was again furnished on **28.02.2025**.

After getting the information on two (2) occasions and the submission of his second appeal dated 20.05.2025 to the Commission, the applicant (now appellant) had submitted a withdrawal letter on **23.06.2025** from the Commission stating that "due to certain developments

and internal reconsideration," he has decided not to pursue the Appeal further at this stage, voluntarily without any pressure or coercion. However, the Commission was not convinced with the reasons for his withdrawal and hence decided to hear the case. The Commission observed that if he was not satisfied with the information, he should not have filed the subsequent first appeal on 22.01.2025 for the second time, but he should have preferred second appeal before the Commission.

During the hearing, on being asked by the Commission the reason of withdrawal of his Second Appeal, the applicant (now appellant) submitted that initially he had filed the RTI application since there was no water supply in his village, however, after filing the RTI application and the second appeal, since his village elders had informed him that the department would be starting the works, he had withdrawn the second appeal from the Commission.

The Commission observed that since the applicant (now appellant) expressed his satisfaction and had withdrawn the appeal from the Commission without receiving the information, it raised suspicion and was not convinced with the reason of his withdrawal. Further, pointing out to the language and the reason given by the applicant(now appellant) in his withdrawal letter dated 23.06.2025, the Commission observed that the applicant(now appellant) should have mentioned the actual factual reason for his withdrawal and not as rendered in his withdrawal letter dated 23.06.2025. Moreover, since there are many cases where RTI applications are filed for personal interest, the Commission cautioned the applicant(now appellant) that RTI tool should not be used for personal or private interests but for larger public interest.

Section 19 sub-section 6 of the RTI Act, 2005 mandates that the First Appellate Authority (FAA) hear the first appeal within 30 days but not exceeding a total of 45 days from the date of filing of the first appeal, however the Commission observed that there is no record of hearing of the FAA. Further, the applicant(now appellant) cannot seek additional information or supplementary documents at the time of appeals, as his point of appeal is against the queries sought in his RTI application.

From the date of receipt of the RTI application dated 29.11.2024 on the same date i.e. 29.11.2024 to the date of furnishing the information on 20.01.2025 by Er. Ichirangbe Zeliang, Executive Engineer & PIO, PHED, Zunheboto Sub-Division, the number of days is 52 days. Hence, considering the 30 days time for the PIO to furnish the information to the applicant(now appellant), the delay now becomes $52 - 30 = 22$ days for which penalty is attracted.

DECISION

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

1. Since the applicant (now appellant) had expressed his satisfaction and had withdrawn the second appeal from the Commission, no further direction is required.
2. Under Section 20 (1) of the RTI Act 2005, penalty at the rate of Rs. 250/- per day of delay for twenty two (22) days amounting to Rs. 5,500.00 (Rupees five Thousand and five hundred only) is imposed on Er. Ichirangbe Zeliang, Executive Engineer & PIO, PHED, Zunheboto Sub-Division for contributing to the delay in furnishing the information to the applicant (now appellant) without reasonable cause. The above penalty amount shall be paid within within one (1) week from the date of receipt of this decision. Since penalty is imposed personally, the penalty amount shall be deposited into the Government account under his name, designation and signature through treasury challan in favour of the Accounts Officer, Nagaland Information

Commission, Kohima under the Head of Account given below, with a copy of the treasury challan (in original) to this Commission:-

0070 - Other Administrative Services

60 - Other Services

118- Receipts under RTI Act, 2005

On receipt of the above compliance to the above decision at **point No. 2**, the Commission shall close the case.

This decision is passed in the presence of both the parties i.e the respondents and the applicant (now appellant) on 31.07.2025 at 11:00 AM.

Copies be given to:

1. Er. L. Leyang Khamniungan, Chief Engineer & FAA, O/o the Chief Engineer, PHED, Nagaland, Kohima, Mobile No. 9862641601.
2. Er. Gwatilo Tep, Addl. Chief Engineer & PIO, O/o the Chief Engineer, PHED, Nagaland, Kohima, Mobile No. 9774020337.
3. Er. Ichirangbe Zeliang, Executive Engineer & PIO, PHED, Zunheboto Sub-Division, Nagaland, Mobile No. 9615541951.
4. The Accounts Officer, Nagaland Information Commission for information.
- ✓ 5. The Computer Programmer, Nagaland Information Commission for uploading on the website.
6. The applicant (now appellant), Shri. S. Topeka Yephthomi, President, 35 A/C Youth Congress, Kaiho Memorial Building, Thilixu Block III, Lane - 5, Dimapur, Mobile No 8837209043.
7. Office copy.

Sd/-

KEVISA KENSE (IAS Retd.)
Chief Information Commissioner

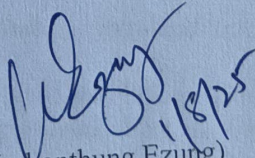
Sd/-

T. KEKONGCHIM YIMKHIUNG
State Information Commissioner

Sd/-

NOSAZOL CHARLES
State Information Commissioner

Authenticated true copy:


(Worhonthung Ezung)
Deputy Secretary