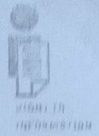


**NAGALAND INFORMATION COMMISSION  
NAGALAND COMMISSIONS' COMPLEX  
BELOW NBCC CONVENTION CENTER  
POST BOX NO. 148**

Nagaland: Kohima - 797004

Email: [cie.nagaland@gmail.com](mailto:cie.nagaland@gmail.com) | Website: [www.nlsic.nagaland.gov.in](http://www.nlsic.nagaland.gov.in)



No. NIC/APPEAL-7/2025-26 / 751

Dated Kohima, the 25<sup>th</sup> August, 2025

Appellants

- : (i) Shri. H. Kivika Achumi,  
Social Activist,  
Mobile No. 7005320788
- (ii) Shri. Inaka Sumi,  
Advocate,  
Mobile No. 9089842001.

Respondents

- : (1) Shri. Thepfusalie Guozi,  
Chief Engineer & FAA,  
Water Resources Department,  
Nagaland, Kohima.
- (2) Er. Phutheguo Phawakhrie,  
Executive Engineer & PIO,  
Water Resources Department,  
Nagaland, Kohima.
- (3) Er. V. Obed Natso,  
Executive Engineer & PIO,  
Water Resources Department,  
Kohima.
- (4) Er. Hutovi Swu,  
Executive Engineer & PIO,  
Water Resources Department,  
Chumoukedima.
- (5) Er. Sentizungba Longchar,  
Executive Engineer & PIO,  
Water Resources Department,  
Jalukie, Peren.
- (6) Er. S. Benrio Kithan,  
Executive Engineer & PIO,  
Water Resources Department,  
Wokha.
- (7) Er. Pfutsulo Thosu,  
Executive Engineer & PIO,  
Water Resources Department,  
Mon.
- (8) Er. Sademkaba Ozukum,  
Executive Engineer & PIO,



Water Resources Department,  
Mokokchung.

- (9) Er. Yhunkolo Kath,  
Executive Engineer & PIO,  
Water Resources Department,  
Phek.
- (10) Er. Hetoi Kinny,  
Executive Engineer & PIO,  
Water Resources Department,  
Zunheboto.
- (11) Er. Dichüsie,  
Executive Engineer & PIO,  
Water Resources Department,  
Kiphire.
- (12) Er. Sutemo Kikon,  
Executive Engineer & PIO,  
Water Resources Department,  
Longleng.
- (13) Er. Ngaku Chingmak,  
Executive Engineer & PIO,  
Water Resources Department,  
Tuensang.

Public Authority : Water Resources Department, Nagaland, Kohima.

Date of hearing : 19.08.2025 at 11:30 AM.

Date of Decision : 25.08.2025

Present:

1. Shri. Thepfusalie Guozi, Chief Engineer & FAA, Water Resources Department, Nagaland, Kohima, Mobile No. 9436016673.
2. Er. Phutheguo Khawakhrie, Executive Engineer & PIO, Water Resources Department, Nagaland, Kohima, Mobile No. 8731971905.
3. Er. Pfutsulo Thosu, Executive Engineer & PIO, Water Resources Department, Mon, Mobile No. 9615629291.
4. Er. Ngaku Chingmak, Executive Engineer & PIO, Water Resources Department, Tuensang, Mobile No. 9862330546.
5. Er. Dichüsie, Executive Engineer & PIO, Water Resources Department, Kiphire, Mobile No. 84159292029.
6. Er. Sademkaba Ozukum, Executive Engineer & PIO, Water Resources Department, Mokokchung, Mobile No. 8974789419.
7. Er. Hetoi Kinny, Executive Engineer & PIO, Water Resources Department, Zunheboto, Mobile No. 7005425467.
8. Er. Yhunkolo Kath, Executive Engineer & PIO, Water Resources Department, Phek, Mobile No. 7005356933.
9. Er. S. Benrio Kithan, Executive Engineer & PIO, Water Resources Department, Wokha, Mobile No. 9612561350.
10. Er. Sutemo Kikon, Executive Engineer & PIO, Water Resources Department, Longleng, Mobile No. 9402826121.



11. Er. Sentizungba Longchar, Executive Engineer & PIO, Water Resources Department, Peren, Mobile No. 9378129277.
12. Shri. Lhokashe Swu, SDO & APIO, Water Resources Department, Chumoukedima, Nagaland, Mobile No. 8974417944 in place of Er. Hutovi Swu, Executive Engineer & PIO, Water Resources Department, Chumoukedima.
13. The applicants (now appellants), Shri. H. Kivika Achumi, Social Activist, Mobile No. 7005320788 & Shri. Inaka Sumi, Advocate, Mobile No. 9089842001.

**The following did not appear:**

1. Er. V. Obed Natso, Executive Engineer & PIO, Water Resources Department, Kohima Division did not appear.
2. Er. Hutovi Swu, Executive Engineer & PIO, Water Resources Department, Chumoukedima. However, he was represented by Shri. Lhokashe Swu, SDO & APIO, Water Resources Department, Chumoukedima.

**FACT OF THE CASE**

Two applicants, Shri. H. Kivika Achumi and Shri. Inaka Sumi had jointly submitted a RTI application dated *NIL* addressed to the PIO, Directorate of Water Resources Department, Kohima, Nagaland, along with Rs.10/- as application fee, seeking the following information under Section 6 (1) of the RTI Act, 2005, in certified copies or digital records regarding implementation of Pradhan Mantri Krishi Sinchayee Yojana (PMKSY) in all districts of Nagaland from the year 2019 to present date in district-wise and year-wise format :-

*1. Funds Received and Allocated:*

*A. Certified copies of all funds received by the Water Resources Directorate from the Central Government and State Government under PMKSY from 2019 till date, year-wise.*

*B. Details of district-wise and year-wise allocation/disbursement of funds from the Directorate, including:*

*-Fund sanction and release orders*

*-Purpose of allocation*

*-Date and amount of transfer*

*-Copies of relevant bank statements, cheque leaves, and UTR numbers*

*C. Official bank account statements of the Directorate showing receipt and disbursement of PMKSY funds from 2019 onwards.*

*D. Certified copies of district-level official bank account statements and cheque leaves showing receipt and disbursement of PMKSY funds from 2019 to date, including:*

*-Name of district and office*

*-Bank name and account number*

*-Year-wise statement showing credits and debits related to PMKSY*

*-Copies of issued cheque leaves and transaction references*

*2. Details of administrative and contingency expenses incurred under PMKSY (year wise), including*

*-Itemized expenses*

*-Amounts spent*

*-Purpose*

*-Copies of bills, receipts, vouchers, and approvals*

*3. Project Implementation*

*A. Full list of PMKSY projects implemented in all districts from 2019 onwards with:*

*-Project name/Beneficiary name*

*-Location (village/town/district)*

*-Start date, completion date*

*-Estimated vs actual expenditure*



- Status (completed/ongoing/incomplete)
- Name and GSTIN of executing agency/contractor

4. Copies of

- Work orders
- Technical and administrative approvals
- Completion certificates
- Utilization certificates (UCs)

5. Details of mode of payment made to contractors/agencies/beneficiaries (cheque/cash/bank transfer), along with:

- Payment proof
- Receipts
- UTR numbers
- Acknowledgement by payee

6. Details of any cancelled, delayed, or revised projects, along with reasons, financial implications, and related documentation.

7. Beneficiary Information:

A. Year-wise and district-wise list of beneficiaries under PMKSY from 2019 till date, including:

- Full Name
- Aadhaar Number
- Mobile Number
- Complete address (village/town/district)
- Type of benefit and amount received
- Year of benefit
- Mode of disbursement (cash, cheque, DBT)
- Acknowledgement or receipt copy
- Physical Verification and Monitoring

8. Geo-tagged photographic evidence of each PMKSY project across all districts, showing

- Project name/beneficiary name
- GPS location
- Date of photo
- Asset ID/reference number
- Officer who verified the site

9. Copies of:

- Site inspection and verification reports
- Monitoring or field visit reports (internal or third party)
- Social audit reports, if any

10. Audits and Departmental Responsibility:

A. Copies of audit reports related to PMKSY implementation, prepared by:

- Comptroller and Auditor General (CAG)
- State audit agencies
- Internal auditors
- Third-party independent audits
- Names, designations, and contact details of

All officers responsible for project planning, fund disbursement, execution, and monitoring at the directorate and district levels

11. In Case of Unavailability of Records:

If any of the above records/documents/information is unavailable, I request your office to: Submit a written justification stating the reason for unavailability or non-existence of the record, Have the response signed and sealed by the concerned officer, Mention the name designation, and contact details of the responsible officer, and clarify whether the record is held by any subordinate office or another public authority.



*Additional Notes:*

- A. If any portion of the information pertains to another department or office, kindly transfer it under Section 6(3) of the RTI Act.*
- 2. I request that all information be provided in a district-wise and year-wise format for clarity*
- 3. If any information is denied, kindly mention the specific exemption clause under Section 8 or 9 of the RTI Act*

On receipt of the above RTI application dated NIL on 09/04/2025 as evidenced on the body of the application, Er. Phutheguo Khawakhrie, PIO, O/o the Chief Engineer, Water Resources Department, Nagaland, Kohima had, vide letter No. **WRD/RTI/TECH/Case No. 2/2058/81-82** dated 10/04/2025, forwarded the RTI application to the Executive Engineers & PIOs, Water Resources Department of Kohima, Chumoukedima, Jalukie, Wokha, Mon, Mokokchung, Phek, Zunheboto, Kiphire, Longleng and Tuensang to furnish the necessary information as sought by the applicants within the stipulated time except Query No. 1(A,B&C), 2 & 4 Utilization Certificates (UCs) which would be provided from Head Office (i.e, Chief Engineer office) and with a copy to the applicants with a request to collect the information from all the divisions.

However, on not being satisfied with the response of the PIOs, the applicants had submitted First Appeal dated 20/05/2025 to the FAA, O/o the Chief Engineer, Water Resources Department, Nagaland, Kohima, stating that:-

- 1. The applicants to collect the information directly from the respective divisions.*
- 2. Violating RTI timeframe or providing misleading instructions:-*
  - For Chomoukedima, Zunheboto, Jalukie, Wokha and Mokokchung, the FAA directed to personally collect the information within 30 days, which is illegal.*
  - Kiphire, Longleng and Tuensang: No response at all till date, thereby violating the 30- day statutory deadline.*
  - Mon and Phek division: Sent a text message to collect information, but this was received only on 10<sup>th</sup> May 2025 and Kohima on 12<sup>th</sup> May, after the 30-day period, thus violating Section 7(1).*
- 3. Under Section 7 (6), applicants to receive information free of cost.*
- 4. The Executive Engineer & PIO, Chumoukedima had in his reply dated 07/05/2025 claimed that the information was voluminous and hence the information could be accessed by physical inspections only.*

*In view of the above, FAA to direct all concerned divisions of Chumoukedima, Zunheboto, Jalukie, Wokha, Mokokchung, Kiphire, Longleng, Tuensang, Mon and Phek to:-*

  - Furnish the complete certified information as per the original RTI.*
  - Deliver the information at the Directorate, not in Divisions, and*
  - Provide the information free of cost as per Section 7 (6).*
  - Within 5 working days from receipt of this appeal order.*

On receipt of the above appeal, the public authority had summoned the applicants along with the PIOs of respective districts for the first hearing on 17/06/2025 at 01:00 PM at the FAA's Chamber.

After hearing of the First Appeal, Er. Thepfusalie Guozi, Chief Engineer & FAA, Water Resources Department, Nagaland, Kohima had, vide letter No. **WRD/RTI/TECH/Case No. 2/2025/628-30** dated 30/06/2025, submitted the discussions and findings of the first appeal hearing to the applicants and directed the PIOs to furnish the information to the applicants only after payment is made.



On not being satisfied with the decisions of the FAA & PIOs, the applicants (now appellants) had submitted second appeal dated *NIL* to the Nagaland Information Commission which the Commission had received on *11/07/2025*.

Since the applicants (now appellants) are not satisfied with the decision of the FAA and the reply of the PIOs, the Commission has decided to hear the above mentioned appeal giving opportunity of being heard to all the parties on *19<sup>th</sup> August 2025(Tuesday) at 11:30 AM in the Hearing Room of Nagaland Information Commission, Nagaland Commissions' Complex, New Capital Complex, Nagaland, Kohima* and 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. Thepfusalie Guozi, Chief Engineer& FAA, Water Resources Department, Nagaland, Kohima.
2. Er. Phutheguo Khawakhrie, PIO, Water Resources Department, Nagaland, Kohima.
3. The Executive Engineers & PIOs, Water Resources Department, Kohima, Chumoukedima, Jalukie, Wokha, Mon, Mokokchung, Phek, Zunheboto, Kiphire, Longleng & Tuensang Divisions.
4. The applicants (now appellants), Shri. H. Kivika Achumi, Social Activist, Mobile No. 7005320788 & Shri. Inaka Sumi, Advocate, Mobile No. 9089842001.

#### **OBSERVATIONS AND FINDINGS:**

Since one of the applicants (now appellants), Shri. Inaka Sumi had given his address as **Advocate** in the Second Appeal to the Commission, the Commission asked whether Shri. Inaka Sumi, Advocate had filed the RTI application on behalf of Shri. H. Kivika Achumi (co-applicant) and whether Shri. H. Kivika Achumi was his client. If Shri. H. Kivika Achumi was his client, then the appeal could be dismissed as per the judgement of the Hon'ble Madras High Court in the matter of N. Saravanan vs. Chief Commissioner, Tamil Nadu, SIC, W.P (MD) No. 4336 of 2017 dated 15/03/2017, wherein an extract of the above mentioned Madras High Court judgment is reproduced below:-

*"The first respondent dismissed the appeal on the premises that the petitioner being a practising advocate cannot seek information relating to the case instituted by him on behalf of his client. As a citizen he can personally ask for information but not as an advocate on behalf of his client. The reasoning given by the first respondent cannot be faulted at all. The second appeal filed by the petitioner has been rightly rejected, as otherwise, every practising advocate would invoke the provision of the RTI, Act for getting information on behalf of his client, which situation does not advance the objects of the scheme of the RTI Act. The laudable objects of the RTI, Act cannot be used for personal ends and should not become a tool in the hands of the advocate for seeking all kinds of information in order to promote his practice".*

However, since Shri. Inaka Sumi, Advocate had replied that Shri. H. Kivika Achumi was not his client and that they had jointly filed the RTI application, the Commission had proceeded with the hearing.

During the hearing the applicants (now appellants) stated that they had filed the RTI application addressed to the PIO, Directorate of Water Resources Department, Nagaland, Kohima on 09/04/2025, and the PIO had transferred the RTI application to all the divisions in the districts instructing the districts to furnish the information directly to the applicants under



intimation to the Chief Engineer's office, while for query No. 1 (A,B,C), 2 & 4 (UC), the information would be provided by the Chief Engineer's Office.

The applicants (now appellants) further stated that on payment of the cost of information, they had received the information pertaining to the Chief Engineer's Office on 06.05.2025 from the Office of the Chief Engineer and are satisfied, however they were not satisfied with the replies to the remaining queries, since the EEs & PIOs in the Divisions of Kohima, Chumoukedima, Jalukie, Wokha, Mon, Mokochung, Phek, Zunheboto and Kiphire had informed them to collect the information from the respective Divisions, whereas there was no intimation from the Divisions of Longleng and Tuensang within the 30 days time frame. They also stated that since it was not feasible to personally collect the information from all the divisions, they had requested the Divisions to send through Post or through softcopy for which they were ready to pay for the cost of information, however the EEs & PIOs in the Divisions did not accept their request.

Er. Thepfusalie Guozi, Chief Engineer & FAA, Water Resources Department, Nagaland, Kohima stated that those information pertaining to the Chief Engineer's Office had been furnished whereas those information which were available in the districts had been transferred to all the districts. And since the RTI application was transferred to the Divisions, each of the PIOs in the divisions has 30 days time to reply to the RTI and hence they had not violated the RTI timeframe. He also stated that the PIOs in the divisions had contacted the applicants over the given mobile numbers to pay the cost of information and collect the information personally from the divisions, however the applicants were not satisfied and had filed the first appeal. He further informed that it was learnt only during the hearing of the first appeal on 17.06.2025, that the EEs & PIOs of Longleng and Tuensang did not reply since they did not receive the RTI application which was transferred to them.

The Commission observed that the applicants had not mentioned the dates on their RTI application and the second appeal, and had also not given any proper contact address except their mobile numbers. The Commission asked how the EEs & PIOs in the districts/divisions could send the information by post when the applicants had given only their mobile numbers but not their proper contact address in their RTI application and the first appeal? Hence, the only way the EEs & PIOs in the districts/divisions can communicate is through the Mobile numbers. The Commission also stated that since the applicants had not sought the information in softcopy in their original RTI application, the request to provide in softcopy was not accepted.

Pointing to **Query No. 7** of their RTI application regarding *Aadhaar Numbers of beneficiaries*, the Commission had relied on the judgment of the Kolkata High Court in WP No. 33290 of 2013 in the case of Mr. Avishek Goenka vs. Union of India and notified by the Department of Personnel & Training, New Delhi (DOPT) vide OM, F.No. 1/31/2013-IR dated 08.01.2014 observed that this part of information, though sought by the applicants cannot be furnished since Aadhaar contains personal details and in order to protect the identity and other details of the individuals including RTI applicants, it is exempted from the purview of the RTI Act. Further, the DOPT had in their OMs, F.No. 1/1/2013-IR dated 07.10.2016 and F.No. 1/1/2013-IR(Pt.) dated 20.06.2017 viz a viz Aadhar Act, 2016 prevents from disclosing Aadhar in public domain or websites. Moreover, seeking information or disclosing of such Aadhaar numbers of individuals or beneficiaries do not have any public interest.

### DECISION

On the above observation and findings, the Commission decided that:

1. The Executive Engineer & PIO of all districts/Divisions shall submit the information *except Aadhar numbers of the beneficiaries* to the Directorate i.e. office of the Chief Engineer and the PIO of the Chief Engineer's office shall compile and furnish the information free of cost to the applicants (now appellants) and under intimation to the Commission, within 10 days from the date of receipt of this decision.



2. The applicants (now appellants) shall collect the information from the PIO of the Chief Engineer's office and submit their satisfaction or non-satisfaction to the PIO and with a copy to the Commission within 14 days from the date of receipt of the information. If no satisfaction or non-satisfaction is received by the Commission, the Commission will presume that they are satisfied with the information furnished by the PIO and the instant appeal case will be declared as closed.

Decision pronounced in the presence of both the parties on 19.08.2025 at 11:30 AM.

Copies be given to:

1. Shri. Thepfusalie Guozi, Chief Engineer & FAA, Water Resources Department, Nagaland, Kohima, Mobile No. 9436016673.
2. Er. Phutheguo Khawakhrie, Executive Engineer & PIO, Water Resources Department, Nagaland, Kohima, Mobile No. 8731971905.
3. Er. Pfutsulo Thosu, Executive Engineer & PIO, Water Resources Department, Mon, Mobile No. 9615629291.
4. Er. Ngaku Chingmak, Executive Engineer & PIO, Water Resources Department, Tuensang, Mobile No. 9862330546.
5. Er. Dichüsie, Executive Engineer & PIO, Water Resources Department, Kiphire, Mobile No. 84159292029.
6. Er. Sademkaba Ozukum, Executive Engineer & PIO, Water Resources Department, Mokokchung, Mobile No. 8974789419.
7. Er. Hetoi Kinny, Executive Engineer & PIO, Water Resources Department, Zunheboto, Mobile No. 7005425467.
8. Er. Yhunkolo Kath, Executive Engineer & PIO, Water Resources Department, Phek, Mobile No. 7005356933.
9. Er. S. Benrio Kithan, Executive Engineer & PIO, Water Resources Department, Wokha, Mobile No. 9612561350.
10. Er. Sutemo Kikon, Executive Engineer & PIO, Water Resources Department, Longleng, Mobile No. 9402826121.
11. Er. Sentizungba Longchar, Executive Engineer & PIO, Water Resources Department, Peren, Mobile No. 9378129277.
12. Er. Hutovi Swu, Executive Engineer & PIO, Water Resources Department, Chumoukedima, Mobile No. 9436404325.
13. Er. V. Obed Natso, Executive Engineer & PIO, Water Resources Department, Kohima
- ✓ 14. The Computer Programmer, Nagaland Information Commission for uploading on the website.
15. The applicants (now appellants), Shri. H. Kivika Achumi, Social Activist, Mobile No. 7005320788 & Shri. Inaka Sumi, Advocate, Mobile No. 9089842001.
16. Office Copy.

Sd/-

**KEVISA KENSE (IAS Retd.)**  
Chief Information Commissioner

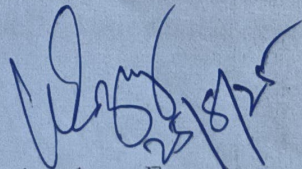
Sd/-

**T. KEKONGCHIM YIMKHIUNG**  
State Information Commissioner

Sd/-

**NOSAZOL CHARLES**  
State Information Commissioner

Authenticated true copy:

  
(Worhonhung Ezung)  
Deputy Secretary