

NAGALAND INFORMATION COMMISSION
Old Secretariat Complex,
Post Box No. 148
Nagaland, Kohima - 797001.
Tel: 0370-2291798, Fax: 2291774, Website: www.nlsic.gov.in

No. NIC/Appeal-15/2012-13

Dated Kohima, the 13th December, 2012.

Appellant: Mr. Zengdibo Zeliang, Tenning, Mobile No. 9402904564

Respondents:

1. Shri. Sedevikho Khro, Director & First Appellate Authority, Food & Civil Supplies, Nagaland, Dimapur;
2. Shri. J. Talitemjen, Joint Director, Food & Civil Supplies, Nagaland, Dimapur;
3. Shri. Ipetdaung Lungalang, Supdt. of Supplies & PIO, Office of the Superintendent, Food & Civil Supplies, Peren;
4. Shri. Ngaunibo, S.K, Food & Civil Supplies, Peren.

Public Authority: Directorate of Food & Civil Supplies, Nagaland, Dimapur.

Date of Hearing: 13.12.2012 at 1:00 PM.

Date of Decision: 13.12.2012

Present:

1. Shri. Sedevikho Khro, Director & First Appellate Authority, Food & Civil Supplies, Nagaland, Dimapur
2. Shri. J. Talitemjen, Joint Director, Food & Civil Supplies, Nagaland, Dimapur
3. Shri. Ipetdaung Lungalang, Supdt. of Supplies & PIO, Office of the Superintendent, Food & Civil Supplies, Peren,
4. Shri. Ngaunibo, S.K, Food & Civil Supplies, Peren

The appellant was not present.

FACT OF THE CASE.

An applicant, Mr. Zengdibo Zeliang of Tenning under Peren district had submitted a RTI application dated NIL alongwith the prescribed application fee of Rs. 10/- seeking information on 12 (twelve) queries addressed to the PIO, Office of the Superintendent, Food & Civil Supplies, Peren, Nagaland. The RTI application was received by Shri. Ngaunibo, S.K, Food & Civil Supplies, Peren, Nagaland on **13.06.2012.**

Since there was **no response** from the concerned PIO, Office of the Superintendent, Food & Civil Supplies, Peren, Nagaland within the stipulated time frame of 30 days, the applicant had submitted his **first appeal dated 27.07.2012** to the Director & First Appellate Authority, Food & Civil Supplies, Nagaland, Dimapur.

Shri. J. Talitemjen, Joint Director, Food & Civil Supplies, Nagaland, Dimapur had vide letter No. DSE/RTI/2012-13/951 dated **14.08.2012**, but signed on 03.08.2012, and referring to the applicant's first appeal dated 27.07.2012 furnished information consisting of 30 (thirty)

pages, for which an amount of Rs. 86.00 (Rupees eighty six only) was realised from the applicant (now appellant) as the cost of information;

Mr. Zengdibo Zeliang, the applicant (now appellant) had submitted Second Appeal dated **03.09.2012** to the Nagaland Information Commission stating that the information so furnished was unsatisfactory and incomplete on the following queries:-

- Sl. No. 1 and 8: for incomplete documents
- Sl. No. 2 and 3: for unsatisfactory documents
- Sl. No. 5, 9 and 10: for unsatisfactory reply.

The applicant (now appellant) also stated that on not receiving any response from the Office of the Superintendent, Food & Civil Supplies, Peren, Nagaland, had visited the said **office personally for three (3) times upto 24.07.2012**. And on being informed by the S.K, Food & Civil Supplies, Peren, Nagaland **on 03.08.2012** that the information was ready for disposal at the office of the First Appellate Authority, Food & Civil Supplies, Nagaland, Dimapur, the applicant (now appellant) went to the office of the First Appellate Authority, three (3) times to collect the information. However, due to non-availability of the delivery person, he could collect the information only **on 14.08.2012**, which was signed on 03.08.2012. Therefore, on the above circumstances, the applicant (now appellant) claims for compensation for unnecessary expenditure;

On 22.10.2012, the Nagaland Information Commission, after having issued Notice for hearing scheduled on 8.11.2012, the appellant had submitted **withdrawal** of appeal **on 9.11.2012**. However, the proposed hearing was rescheduled on 20.11.2012 and later to 13.12.2012.

OBSERVATIONS:

During the hearing, Shri. Ipetdaung Lungalang, Supdt. of Supplies & PIO, Office of the Superintendent, Food & Civil Supplies, Peren, submitted that since he joined the office only on 18.07.2012 and did not know about RTI, he could not give any reply. On receipt of a complaint dated 27.07.2012 from the applicant, the Director & FAA, Food & Civil Supplies, Nagaland, Dimapur, vide letter No. DSC/RTI-1/2012-13/834 dated 30.07.2012, directed the Supdt. of Supplies & PIO, Office of the Superintendent, Food & Civil Supplies, Peren, to provide the information within 5 days, a copy of which was produced during the hearing, did the Supdt. of Supplies & PIO, Office of the Superintendent, Food & Civil Supplies, Peren, vide letter No. PSE-18/2012-13/28 dated 30.07.2012 furnished the information to the Director.

The Commission observed that the concerned PIO had failed to provide the information within the time frame of 30 days. And even when the RTI application was transferred from the Office of the Superintendent, Food & Civil Supplies, Peren, to the Directorate of Food & Civil Supplies, Dimapur, the applicant was not informed about such transfer.

And Shri. J. Talitemjen, Joint Director, Food & Civil Supplies, Nagaland, Dimapur (who took charge as the PIO during the absence of the officially designated PIO), referring to the first appeal dated 27.07.2012 and **NOT** to the RTI application dated NIL which was received on 13.06.2012, furnished the information to the applicant (now appellant) vide letter No.

DSE/RTI/2012-13/951 dated **14.08.2012**, but signed on **03.08.2012** is not as per the provisions of the RTI Act and hence not tenable. That too, the applicant(now appellant) was not intimated about the cost of information which is in contravention to Section 7(3) of the RTI Act, 2005, which mandates that the PIO is to intimate the cost of information to the applicant alongwith the details of calculations. Moreover, Section 7(6) of the RTI Act, 2005, stipulates that information shall be provided free of charge if it is provided after the specified time limits, however, in this case, though the information was provided after the 30 days time limit from the date of receipt of the RTI application, cost of information amounting to Rs. 86.00 (Rupees eighty six only) was realised from the applicant(now appellant) which is not tenable.

The Commission also observed that information which was readily available with the Office of the Superintendent, Food & Civil Supplies, Peren, could have been provided directly to the applicant (now appellant) under the Name and Signature of the concerned PIO to whom the RTI application was filed, and not through the Director, which was the main cause of the delay.

Though the RTI Act is citizen friendly, the applicant(now appellant) was made to run from pillar to post to get the information. The Commission warns that the responsibility of a public authority and its Public Information Officers (PIO) is not only confined to furnish information but also to provide necessary help to the information seeker, wherever necessary. While providing information or rendering help to a person, it is important to be courteous to the information seeker and to respect his dignity.

Since withdrawal letter was submitted by the appellant after the issue of Notice for Hearing by the Commission, the withdrawal is not accepted (and hence this hearing).

The Director & FAA, Food & Civil Supplies, Nagaland, Dimapur had taken some action on the first appeal dated 27.07.2012 by writing to the PIO, Peren to provide the information to the applicant. However, as the FAA, he should have held a hearing of the parties and pass quasi-judicial decision.

DECISION:

Considering the facts of the case and the observations above, the Commission decides as follows:

1. Since the information has been provided to the applicant (now appellant) and the appellant having submitted withdrawal of his appeal case **on 9.11.2012**, the case is **declared closed on this day the 13th December, 2012.**
2. However, the Commission warns the public authority to take RTI matters seriously and that quasi-judicial decisions be given for any first appeals received by the First Appellate Authority in future.
3. Also, whenever RTI application is received, reply should be given within the specified time limit of 30 days and any information provided after the time limit of 30 days (from the date of receipt of RTI application) should be provided free of cost.

Decision made in the presence of all present on this day the 13.12.2012.

Copy be given to all parties concerned:-

1. Shri. Sedevikho Khro, Director & First Appellate Authority, Food & Civil Supplies, Nagaland, Dimapur
2. Shri. J. Talitemjen, Joint Director, Food & Civil Supplies, Nagaland, Dimapur
3. Shri. Ipetdaung Lungalang, Supdt. of Supplies & PIO, Office of the Superintendent, Food & Civil Supplies, Peren,
4. Shri. Ngaunibo, S.K, Food & Civil Supplies, Peren.
5. The appellant: Mr. Zengdibo Zeliang, Tenning, Mobile No. 9402904564

Sd/-

Kevinino P. Meru

State Information Commissioner,
Nagaland, Kohima.

Sd/-

Bukchem Phom

State Information Commissioner,
Nagaland, Kohima

Authenticated by:-

(Worhonthung Ezung)

Under Secretary

Nagaland Information Commission