

**NAGALAND INFORMATION COMMISSION  
OLD SECRETARIAT COMPLEX  
POST BOX NO.148  
NAGALAND: KOHIMA -797001**

**No.NIC/Appeal-6/2012-13/ Dated Kohima, the 28<sup>th</sup> June. 2012**

Appellant: Mr Toketo Swu,  
C/o Qheto Swu,  
Nagaland State Legal Service Authority,  
District Court Building,  
Nagaland, Kohima.  
Mobile: 9862417144

Respondent: Director, Food & Civil Supplies,  
Nagaland, Dimapur.

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

Date of hearing: 28.06.2012

Date of final decision: 28.06.2012

Present:

1. Mr Zeneituo Yana, Director, Food & Civil Supplies & FAA, Nagaland, Dimapur.
2. Mr Kapenlo Thong, Asst. Director & PIO, Food &CS, Zunheboto.
3. Mr Toketo Swu,  
C/o Qheto Swu,  
Nagaland State Legal Service Authority,  
District Court Building,  
Nagaland, Kohima.

**Facts of the case**

The applicant Shri Toketo Swu submitted RTI application to the ADS & PIO, F&CS Department, Zunheboto on 5<sup>th</sup> December, 2011 seeking in chronological order the detailed break up of funds released to Thakiye Village in terms of **cash** and

**kind** from the year 2000 and also the names of the persons who withdrew the amount or commodities etc.

The Commission observes that the application filed by Mr Toketo Swu lacks in details and is very general in nature.

The ADS & PIO, F&CS, Zunheboto Mr Kapenlo Thong furnished the reply to the applicant by 5<sup>th</sup> January, 2012 just two days beyond the stipulated time frame of 30 (thirty) days which the Commission condones. Considering the general nature of the information sought by the applicant, the information furnished by the ADS & PIO concerned is deemed to be satisfactory.

The applicant on the ground of not being satisfied with the information furnished by the ADS & PIO, F&CS, Zunheboto filed an appeal directly to the Commission on 9<sup>th</sup> February, 2012.

The Commission examined the matter and decided that this appeal ought to be first examined by the Director & FAA/F &CS Department. Accordingly, the appellant Toketo Swu was advised to file an appeal to the Director & FAA, F&CS Department. The appellant thereafter filed an appeal to the Director & FAA, F &CS Department on 23<sup>rd</sup> March, 2012.

On 23<sup>rd</sup> April, 2012, the petitioner filed an appeal to the Nagaland Information Commission stating **non response** by the Department of F &CS meaning the Director & FAA, F &CS Department.

The Commission admitted the appeal only on the basis of the statement made by the appellant that the Director & FAA, F &CS had not responded to his appeal filed on **21<sup>st</sup> March, 2012** even though the stipulated time for the FAA to give a decision on the appeal had not yet expired on the day the second appeal was filed before the NIC.

### **Findings**

Upon hearing the ADS & PIO, F &CS Department, Zunheboto and also the Director & FAA, F &CS Department, it was ascertained that the Director & FAA, F &CS Department on receiving the appeal on 21.03.2012 of the appellant wrote to the ADS and PIO, F &CS, Zunheboto on 27.03.2012 to furnish any additional information sought by the appellant. The ADS & PIO, F &CS, Zunheboto in his statement said that he forwarded the reply to the Director & FAA, F &CS, Dimapur on 24.04.2012. Thereafter, the Additional Director and PIO of the F &CS Directorate, Dimapur wrote to the appellant on 25<sup>th</sup> April, 2012 to collect the information prepared by the Directorate as instructed by the Director & FAA, F

&CS Department. According to the appellant, he received this letter under reference on 6<sup>th</sup> May, 2012 but did not collect the same since he had already filed 2<sup>nd</sup> appeal to the Nagaland Information Commission on 23<sup>rd</sup> April, 2012. The Director & FAA, Food &CS Department also spelt out the procedure for distribution of food grains under various schemes and clarified that no cash component is given under the various food grains schemes.

The Commission noted that in disposing the appeal by the Director & FAA, F &CS Department certain formalities were not observed. Instead of disposing the appeal at his level, after hearing the appellant and PIO concerned and issuing a **quasi judicial decision** or **speaking order on the matter**, he simply directed ADS & PIO (F &CS), Zunheboto to furnish the details of information sought by the petitioner. However, since the Director & FA has disposed the appeal case and effected the furnishing of the information sought by the appellant, the Commission over looks the procedural lapse committed by the Director & FAA, F &CS Department. The Commission also advised the applicant/petitioner to give specific description of information sought and not make general applications in future.

### **Decision**

The Commission decided that the case be disposed in view of the fact that applicant/appellant has been furnished satisfactory information by the Department of Food & Civil Supplies, not with standing the fact that the appellant has not been very specific about the information sought. However, the Commission directs the Director & FAA, Food &CS Department to furnish details of action initiated by him pursuant to receiving the 1<sup>st</sup> appeal on 21<sup>st</sup> March, 2012 and furnish the same to the Commission within 10 (ten) days time. Appellant be also given a copy of information which the Addl. Director & PIO, F &CS Directorate, Dimapur had asked appellant to collect vide letter dated 25.04.12.

The Commission also directs that **in future** the Director & FAA, F &CS follows laid down procedures upon receiving the appeals and pass a quasi judicial **instead** of simply directing his subordinates to submit information to the appellant. He should ensure that sufficient opportunity is given to the appellant and concerned PIO's to give a statement while conducting the hearing on the appeal case.

Decision made in the presence of all present on this day the 28.06.2012.

Copy be given to all concerned:-

1. Mr Zeneituo Yano, Director, Food & Civil Supplies & FAA, Nagaland, Dimapur.
2. Mr Kapenlo Thong, Asst. Director & PIO, Food &CS, Zunheboto.
3. Mr Toketo Swu, C/o Qheto Swu, Nagaland State Legal Service Authority, District Court Building, Nagaland, Kohima.

Sd/-  
**(LALHUMA) IAS (Rtd)**  
Chief Information Commissioner,  
Nagaland, Kohima.

Authenticated by:-

(Worhonthung Ezung)  
Under Secretary  
Nagaland Information Commission  
Nagaland, Kohima