

**NAGALAND INFORMATION COMMISSION**  
**Old Secretariat Complex,**  
**Post Box No. 148**  
**Nagaland, Kohima - 797001.**  
**Tel: 0370-2291041, Fax: 0370-2291774, Website: www.nlsic.gov.in**



No. NIC/Appeal-7/2014-15

Dated Kohima, the 13<sup>th</sup> November, 2014.

**Appellant:** Shri. Khekuto Tuccu,  
President,  
Life Consumer Society & RTI,  
OB-30, Supermarket,  
Near H. N. Company,  
Dimapur, Nagaland – 797112,  
Mobile No. 9615087958, 8575038826,

**Respondent(s):** 1) The Administrator,  
Dimapur Municipal Council,  
Dimapur, Nagaland.

2) The concerned PIO,  
Dimapur Municipal Council,  
Dimapur, Nagaland.

**Public Authority:** Dimapur Municipal Council,  
Opp. Punjab & Sind Bank,  
Kalibari Road,  
Dimapur Nagaland,

**Date of hearing:** 29.10.2014 at 1:30 PM.

**Date of Decision:** 13.11.2014

**Present:**

- i. Shri. Ganesh Sharma, Liaison Officer, Dimapur Municipal Council, Dimapur, Nagaland.
- ii. Shri. P. B. Paul, Advocate, legal representative of Dimapur Municipal Council, Dimapur, Nagaland.
- iii. Shri. Pfosekho Pfotte, Advocate, legal representative of Dimapur Municipal Council, Dimapur, Nagaland.
- iv. The applicant(now appellant), Shri. Khekuto Tuccu, President, Life Consumer Society & RTI, OB-30, Supermarket, Near H. N. Company, Dimapur, Nagaland – 797112, Mobile No. 9615087958, 8575038826.
- v. Shri. Pradeep Sethi, Vice President, Life Consumer Society & RTI, Dimapur, Nagaland.
- vi. Shri. Khevito Chishi, General Secretary, Life Consumer Society & RTI, Dimapur, Nagaland.
- vii. Ms. Visheni Yeptho, Life Consumer Society & RTI, Dimapur, Nagaland.
- viii. Shri. K. Tarep Imchen, Administrator, Dimapur Municipal Council, Opp. Punjab & Sind Bank, Kalibari Road, Dimapur, Nagaland did not attend since he was recently transferred and posted as Joint Secretary, Sericulture.

**FACT OF THE CASE**

An applicant, Shri. Khekuto Tuccu, President, Life Consumer Society & RTI, OB-30, Supermarket, Near H. N. Company, Dimapur, Nagaland – 797112, Mobile No. 9615087958, 8575038826, had submitted a RTI application dated NIL addressed to the PIO, C/o The Chief Executive Officer, Dimapur Municipal Council, Dimapur, Opp. Punjab & Sind Bank, Kalibari Road, Dimapur Nagaland, alongwith prescribed fees requesting for information on 39 (thirty nine) Queries.

And in response to the RTI application dated NIL, Shri. K. Tarep Imchen, Administrator, Dimapur Municipal Council cum Officiating Deputy Commissioner, Dimapur, Nagaland had, vide letter No. DMC/RTI/2013-14/2160 dated 10.12.2013 furnished 37 (thirty seven) Nos. of replies to the applicant.

However, on getting the information, the applicant filed a First Appeal dated NIL addressed to the Appellate Authority, Shri. K. Tarep Imchen, Administrator, Dimapur Municipal Council, Opp. Punjab & Sind Bank, Kalibari Road, Dimapur, Nagaland, on grounds that the replies furnished to Query Nos. 1, 5, 6, 7, 9, 10, 12, 18, 21, 31 & 32 were unsatisfactory.

Shri. K. Tarep Imchen, Administrator, Dimapur Municipal Council, Dimapur, Nagaland had, vide letter No. DMC/RTI/2012-13/260 dated 08.05.2014 replied to the applicant that the requisite information against all the questionnaires had already been given by the office vide letter dated 10.12.2013 as per records available in the office. A copy of his earlier reply vide letter No. DMC/RTI/2013-14/2160 dated 10.12.2013 alongwith an Annexure regarding Government Approved List of Lessees was furnished to the applicant (now appellant).

On being not satisfied with the information furnished by the PIO & FAA, Dimapur Municipal Council, Dimapur, Nagaland, the applicant had preferred a second appeal vide No. LCS & RTI/62/13-14 dated 03.06.2014 before the Nagaland Information Commission which the Commission had received on 07.06.2014.

And on receipt of the appeal letter No. LCS&RTI/62/13-14 dated 03.06.2014, the Commission had, vide letter of even No. dated 02.07.2014 directed the applicant (now appellant) to submit the **grounds for non-satisfaction** against the reply of the PIO, Dimapur Municipal Council, Dimapur vide letter No. DMC/RTI/2013-14/2160 dated 11.12.2013 to his RTI application dated NIL and the reply of the Administrator & FAA, Dimapur Municipal Council, Dimapur vide letter No. DMC/RTI/2012-13/260 dated 08.05.2014 to his First Appeal dated NIL to this Commission latest **by 21.07.2014** so as to initiate further course of action.

In response to the direction of the Commission dated 02.07.2014, the applicant had, vide letter No. LCS & RTI/68/14-15 dated 23.09.2014 submitted the grounds for non-satisfaction for each of the queries Nos. 1, 5, 6, 7, 9, 10, 12, 18, 21, 31 & 32.

The Commission has decided to hear the appeal, giving opportunity to the parties, on **29<sup>th</sup> October, 2014 (Wednesday) at 1:30 PM** in the **Hearing Room of the Nagaland Information Commission, Old Secretariat Complex, Kohima.**

### **OBSERVATIONS AND FINDINGS**

Shri. Ganesh Sharma, Liaison Officer, Dimapur Municipal Council, Dimapur, alongwith Shri. P. B. Paul, Advocate, legal representative of Dimapur Municipal Council, Dimapur, Nagaland had appeared for the hearing since Shri. K. Tarep Imchen, who was the Administrator, Dimapur Municipal Council, Dimapur, Nagaland had been recently transferred and posted as Joint Secretary, Sericulture.

During the hearing on 29.10.2014 at 1:30 PM, the Commission pointed out that on receipt of the appeal letter No. LCS&RTI/62/13-14 dated 03.06.2014 from the applicant (now appellant), when the Commission had directed the applicant on **02.07.2014** to specify the grounds for non-satisfaction by **21.7.2014**, the applicant (now appellant) had, vide letter No. LCS & RTI/68/14-15 dated **23-09-2014** replied only after a lapse of **more than two (2) months**.

In addition, on the date of hearing, the applicant (now appellant) had also submitted another letter dated **29.10.2014**, citing further specific grounds of non-satisfaction and also **withdrawal of Query Nos. 5 and 21** from the grounds of non-satisfaction submitted earlier which he admitted were due to some clerical errors. The Commission expressed its displeasure to the applicant (now appellant) for not showing interest or seriousness in seeking information as well as in not complying with the directives of the Commission on time, and further warned not to repeat in future.

It was observed that in response to the First Appeal dated NIL, the DMC had, vide letter No. DMC/RTI/2012-13/260 dated 08.05.2014 replied to the applicant that the requisite information against all the questionnaires had already been given by the DMC Office vide letter dated 10.12.2013 as per records available in the office. And the same copy of the reply of the PIO, DMC was furnished to the applicant (now appellant).

Now, excluding **Query Nos. 5 and 21**, the Commission had taken up the points of appeals for query Nos. 1, 6, 7, 9, 10, 12, 18, 31 & 32 during the hearing.

**Query No 1:-** Latest list of Trade License Holder in the DMC constructed Market complex of Hong Kong Market, Shangrila market, New Market, millennium Market Etc.

**Reply by PIO: -** There is no separate record of Trade License of DMC Market. Decision has to be taken on the same for future, we keep the record Ward wise.

**Reply by FAA: -** The FAA had replied that the requisite information against all the questionnaires had already been given by the office vide letter dated 10.12.2013 as per records available in the office. And the same copy of the reply of the PIO, DMC was furnished to the applicant (now appellant).

During the hearing, Shri. Ganesh Sharma, Liaison Officer, Dimapur Municipal Council submitted that on issuing of Trade Licenses, a list of Trade License Holders is maintained **Ward-wise** and not market-wise. And hence separate Trade License Holders market-wise, specifically each for Hong Kong Market, Shangrila market, New Market, Millennium Market etc, are not available with the DMC. However, copies of the (i) Name of Ward-wise Colony in DMC Area and (ii) List of Trade License under DMC jurisdiction as per Ward-wise had already been provided earlier.

The Commission also agreed with the submission of the DMC that since the DMC do not maintain list of Trade License Holders **market-wise**, it is not available and hence could not be provided to the applicant (now the appellant).

Meanwhile, the applicant (now the appellant) had requested the Commission to pass an appropriate order to permit him for the inspection of official records for his satisfaction.

**Q. No.6:-** List of beneficiaries of S.K. Oil, out of monthly allotment of district quota to DMC may kindly be provided along with the quantity issued to each beneficiary per month from the month of April, 2013 to till month.

**Reply by PIO: -** Xerox copy of record enclosed for reference.

**Reply by FAA: -** The FAA had replied that the requisite information against all the questionnaires had already been given by the office vide letter dated 10.12.2013 as per records available in the office. And the same copy of the reply of the PIO, DMC was furnished to the applicant (now appellant).

During the hearing, the applicant (now the appellant) submitted that he did not receive the list of beneficiaries of S.K. Oil, but only the list of allottees alongwith copies of the Issue Slips of S. K. oil issued to the allottees, which were not asked.

Shri. Ganesh Sharma, Liaison Officer, Dimapur Municipal Council, explained that S.K. Oil are allotted to the allottees ward-wise, who in turn further, distribute the S.K. Oil to the concerned beneficiaries of their respective wards. Hence, the DMC maintains only the list of allottees and not the list of beneficiaries of S.K. Oil. Further, the DMC submitted that they had already furnished whatever available information to the applicant i.e a copy of S.K. oil issued from the month of May 2013 to Oct 2013 to village, colony, DMC officer, DMC staff, individual, New Market etc. indicating the quantity allotted to each allottees.

The Commission was satisfied with the above submission of the DMC.

**Q No. 7:-** DMC specified locations to collect toll tax in respect of cement by road, good, local sand/boulder/chip/mixed earth & stone dust, Fanta/logs/empty bottles, transport items, second's goods, taxi parking, fish and dry fish, livestock, footwear items, pan/tamul, cold drinks and mineral water, FCI goods, rickshaw/handcart parking may kindly be furnished.

**Reply by PIO: -** In all entry gates, Railway station and FCI goods at FCI godowns site/ Signal Bosti and CWC at Naga Cemetery for rickshaw and handcart in different points of the city in DMC jurisdiction.

**Reply by FAA: -** The FAA had replied that the requisite information against all the questionnaires had already been given by the office vide letter dated 10.12.2013 as per records available in the office. And the same copy of the reply of the PIO, DMC was furnished to the applicant (now appellant).

During the hearing, since the applicant (now the appellant) submitted that he was satisfied with the reply of the PIO, the Commission decided that this point be dropped.

**Q No. 9:-** Latest list of the defaulter's allottees of Millennium Market, Hong Kong Market, New Market. What are the steps taken for non-payment of Arrear rent by the allottees? Who are the standby allottees in the event of cancellation of License of allottees? Kindly furnish the list.

**Reply by PIO: -** In Hong Kong Market there is no defaulters/Arrear Allottees, in respect of Millennium Market. Enclosed list in Xerox. However, Arrear list of other DMC Markets would be prepared and furnish in future.

**Reply by FAA: -** The FAA had replied that the requisite information against all the questionnaires had already been given by the office vide letter dated 10.12.2013 as per records available in the office. And the same copy of the reply of the PIO, DMC was furnished to the applicant (now appellant).

The Commission observed that since the PIO, DMC had already replied that there are no defaulters of allottees in the Millennium Market and Hong Kong Market, non-payment of Arrear rent by the defaulting allottees does not arise. Hence, the Commission decided that this point be dropped.

**Q No. 10:-** Who are exempted from paying the fee of using Urinal and latrine in Pay & Use toilet installed at the premises of millennium Market? Who are the allottees of Pay and Use toilet in DMC jurisdiction? Kindly furnish the list.

**Reply by PIO: -** Anyone uses toilet shall have to pay usage charges. However a maximum person does not pay any fee for urinal.

Mr. Bobo Angami and Shri. Tovishe Sohe.

**Reply by FAA: -** The FAA had replied that the requisite information against all the questionnaires had already been given by the office vide letter dated 10.12.2013 as per records available in the office. And the same copy of the reply of the PIO, DMC was furnished to the applicant (now appellant).

During the hearing, Shri. Ganesh Sharma, Liaison Officer, Dimapur Municipal Council informed that disabled persons using public toilets are exempted from paying. However, the applicant (now appellant) pointed out that there are no such mention on the existing sign boards regarding exemption of disabled persons from payment. And a copy of photographs of the sign boards were produced and submitted before the Commission.

And regarding the allottees of Pay and Use toilet in DMC jurisdiction, the Commission observed that the PIO, DMC had earlier given the names of the allottees of Pay and Use toilet in DMC jurisdiction.

**Q No.12:-** Please clarify, whether the terms and condition of issue of Trade License permit by your authority to permit to do trade business on the basis of power of attorney Holders of any person (trade License Holders)

**Reply by PIO:-** Same as issued to other Trade License Holders.

**Reply by FAA: -** The FAA had replied that the requisite information against all the questionnaires had already been given by the office vide letter dated 10.12.2013 as per records available in the office. And the same copy of the reply of the PIO, DMC was furnished to the applicant (now appellant).

The Commission observed that since the PIO and the FAA had already given the reply to the query, the Commission dropped this point.

**Q. No. 18:-** What is the price of S.K. Oil (PDS) per liter?

**Reply by PIO:-** Subject matter of food and Civil Supply Department

**Reply by FAA:** - The FAA had replied that the requisite information against all the questionnaires had already been given by the office vide letter dated 10.12.2013 as per records available in the office. And the same copy of the reply of the PIO, DMC was furnished to the applicant (now appellant).

Shri. Ganesh Sharma, Liaison Officer, Dimapur Municipal Council submitted that the rate of S.K. Oil is fixed by the Food & Civil Supplies Department and not by the DMC. DMC only allots the S.K. Oil to the allottees.

**Q. No.31:-** Kindly provide your Xerox copies of documents (Utilization certificate) of fund utilized against monthly revenue generation of toll tax in the period 2013-14.

**Reply by PIO:-**There is no separate record in respect of Utilization of amount being generated from Tolls and Fees, whatever revenue being generated from the various heads including Tolls and Fees are used for staff salary, sanitation works and other development activities.

**Reply by FAA:** - The FAA had replied that the requisite information against all the questionnaires had already been given by the office vide letter dated 10.12.2013 as per records available in the office. And the same copy of the reply of the PIO, DMC was furnished to the applicant (now appellant).

Shri. Ganesh Sharma, Liaison Officer, Dimapur Municipal Council submitted that the DMC office prepares and maintains only monthly and annual statements of toll tax collected, but not Utilization Certificate.

**Q. No. 32:-** Under what terms and condition, the allotments of shops made to the allottees for Hong Kong Market and also provide us the information about the names of the Trade License Holders running their business from the place of the same allottees. Further you are kindly requested to furnish the name of allottees of Hong Kong market along with their complete address.

**Reply by PIO:-** Specimen copies of the Allotment order enclosed herewith, there is no separate record in respect of issue of Trade License to the allottees of Hazi Park (Hong Kong Market). Detail list yet to be prepared.

**Reply by FAA:** - The FAA had replied that the requisite information against all the questionnaires had already been given by the office vide letter dated 10.12.2013 as per records available in the office. And the same copy of the reply of the PIO, DMC was furnished to the applicant (now appellant).

The Commission observed that as the PIO, DMC had earlier submitted that the list of Trade License Holders is maintained **Ward-wise** and not market-wise, there is no separate record being maintained specifically in respect of issue of Trade License to the allottees of Hazi Park (Hong Kong Market). However, since the applicant (now appellant) had requested for the names and addresses of the Trade License Holders to the allottees of **Hong Kong Market only**, Shri. Ganesh Sharma, Liaison Officer, Dimapur Municipal Council had, during the hearing, submitted that as replied by the PIO earlier, the list can be prepared for which some time will be taken.

### **DECISION:**

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

1. **On Query No. 1:** As requested by the applicant (now appellant) for inspection of records for his satisfaction, the DMC shall allow the inspection of records within a time frame.
2. **On Query No. 6:** Since DMC maintains only the list of allottees and not a list of customers/consumers/beneficiaries of S.K. oil, and that the DMC had furnished whatever available information to the applicant, the DMC cannot give what they do not maintain or is not available with them.

However, the Commission recommends that in future, when SK Oil is allotted to the allottees for distribution, the DMC shall ensure that the allottees of the respective wards also maintain the list of beneficiaries.

3. **On Query No. 7:** Since the applicant (now appellant) had submitted satisfaction during the hearing, the Commission had dropped the query.
4. **On Query No. 9:** Since the PIO, DMC had already furnished, the Commission decided not to take up this point.
5. **On Query No. 10:** During the hearing, since the DMC submitted that disabled persons are exempted from paying usage of public toilets, the DMC shall also display proper sign boards mentioning no fee or usage charges for disabled persons.
6. **On Query No. 12:** Since the PIO and the FAA had already given the reply to the query, the Commission dropped this point.
7. **On Query No. 18:** Since the rate of SK Oil is fixed by the Food & Civil Supplies Department and not by the DMC, and that the DMC simply allots to the allottees, the Commission recommends that DMC should also obtain a copy of the rates for reference.
8. **On Query No. 31:** Since the DMC used to prepare monthly and annual statement of toll tax collected, the statement of toll tax collected during 2013-14 shall be furnished to the applicant (now the appellant).
9. **On Query No. 32:** The DMC shall prepare the names and addresses of the Trade License Holders to the allottees of **Hong Kong Market only**, and furnish it to the applicant (now the appellant).

The above directions for Query Nos. **1, 10, 18, 31 and 32** shall be complied within **one (1) month** from the date of receipt of this Commission's Decision.

On receipt of the above information, the applicant (now appellant) shall submit satisfaction or non-satisfaction of the information so received to the DMC and with a copy to this Commission.

This appeal case shall be closed only after compliance to this Commission's Decision is received.

Decision pronounced in presence of all parties present on 29.10.2014.

Copy be given to:-

1. The Administrator, Dimapur Municipal Council, Opp. Punjab & Sind Bank, Kalibari Road, Dimapur, Nagaland.
2. The concerned PIO, Dimapur Municipal Council, Opp. Punjab & Sind Bank, Kalibari Road, Dimapur, Nagaland.
3. The applicant(now appellant), Shri. Khekuto Tuccu, President, Life Consumer Society & RTI, OB-30, Supermarket, Near H. N. Company, Dimapur, Nagaland – 797112, Mobile No. 9615087958, 8575038826.
4. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
5. Office Copy.

**(KEVININO P. MERU)**  
Chief Information Commissioner,  
Nagaland.