

NAGALAND INFORMATION COMMISSION
Old Secretariat Complex,
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Nagaland, Kohima - 797001.
Tel: 0370-2291041, Fax: 0370-2291774, Website: www.nlsic.gov.in



No. NIC/Appeal-7/2014-15

Dated Kohima, the 15th April, 2015.

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

Date of second hearing : 07.04.2015 at 2:30 PM.

Date of Final Decision : 15.04.2015

Present:

- i. Shri. Ganesh Sharma, Liaison Officer, Dimapur Municipal Council, Dimapur, Nagaland, Mobile No. 9436430966.
- ii. Shri. Pfosekho Pfotte, Advocate, legal representative of Dimapur Municipal Council, Dimapur, Nagaland, Mobile No. 9774408129.
- iii. 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.
- iv. Shri. Pradeep Sethi, Vice President, Life Consumer Society & RTI, Dimapur, Nagaland, Tel: 03862-22428.

Shri. H. Atokhe Aye, Administrator, Dimapur Municipal Council, Opp. Punjab & Sind Bank, Kalibari Road, Dimapur, Nagaland **did not attend** the hearing.

FACT OF THE CASE

The Nagaland Information Commission had, on 29.10.2014 at 1:30 PM. heard the Second Appeal No. LCS & RTI/62/13-14 dated 03.06.2014 submitted by an applicant, Shri. Khekuto Tuccu, President, Life Consumer Society & RTI, OB-30, Supermarket, Near H. N. Company, Dimapur, Nagaland – 797112, Mobile No. 9615087958, 8575038826, against the unsatisfactory information furnished by the PIO & FAA, Dimapur Municipal Council, Dimapur, Nagaland.

The first hearing was held on 29.10.2014 at 1:30 PM. with the following:-

- 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.

And after hearing the parties on 29.10.2014, the Commission had passed decision vide even No. dated **13.11.2014**, wherein the public authority was directed to comply to the directions of the Commission by furnishing the information for Query Nos. **1, 10, 18, 31 and 32** within **one (1) month** from the date of receipt of this Commission's Decision.

However, on receipt of the above Decision dated 13.11.2014 on **24.11.2014**, since there was no compliance received within the **one (1) month** period from the date of receipt of the Commission's Decision on **24.11.2014**, the Commission had, vide letter of even No. dated **21.02.2015** directed the concerned PIO, Dimapur Municipal Council, Dimapur, Nagaland to submit an explanation before this Commission for the non-compliance to its Decision dated 13.11.2014 **within one (1) week** from the date of receipt of the directive dated 21.02.2015.

And in compliance to the above decision of the Commission dated 13.11.2014 and the subsequent directive dated 21.02.2015, Shri. H. Atokhe Aye, Administrator, Dimapur Municipal Council, Opp. Punjab & Sind Bank, Kalibari Road, Dimapur, Nagaland had, vide letter No. DMC/RTI/2009/2967 dated 05.03.2015 submitted that the information pertaining to the Query Nos. **1, 10, 18, 31 and 32** had been furnished to the applicant(now appellant) within the **one (1) month** period from the date of receipt of the Commission's Decision on **24.11.2014** and with a copy to the Commission through **ordinary post**. However, the Commission had not received any letter regarding furnishing of the information to the applicant(now appellant) nor any documents enclosed. The Commission received the copies of the information so furnished to the applicant(now appellant) at the time only as an enclosure in the above mentioned letter dated 05.03.2015.

Also, in compliance to the above decision of the Commission dated 13.11.2014 and on receipt of the information so furnished by the DMC, the applicant(now appellant) had, vide letter No. LCS & RTI/14-15/92 dated 04.03.2015 submitted to the Commission that except query Nos. 1 and 31, the information received for query Nos. **10, 18 and 32** were **not satisfied**.

Since the applicant(now appellant) had submitted non-satisfaction of the information furnished by the DMC, the Commission had decided to hear the appeal again, giving opportunity to the parties, on **7th April, 2015 (Tuesday) at 2:30 PM** in the **Hearing Room of the Nagaland Information Commission, Old Secretariat Complex, Kohima**.

The Commission also directed the following concerned 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.

- i. Shri. H. Atokhe Aye, Administrator, Dimapur Municipal Council, Opp. Punjab & Sind Bank, Kalibari Road, Dimapur, Nagaland.
- ii. The concerned PIO, Dimapur Municipal Council, Opp. Punjab & Sind Bank, Kalibari Road, Dimapur, Nagaland.
- iii. 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.

OBSERVATIONS AND FINDINGS

Shri. H. Atokhe Aye, Administrator, Dimapur Municipal Council had, vide letter No. DMC/RTI/2014-15/29-31 dated 06.04.2015 informed the Commission about his inability to attend the hearing on 07.04.2015 at 2:30 PM. due to unavoidable circumstances and hence authorised Shri. Ganesh Sharma, Liaison Officer, Dimapur Municipal Council, who is conversant with the facts and circumstances of the case to represent him.

In compliance to the Commission's Decision dated 13.11.2014, the DMC had, vide letter No. DMC/RTI/2009/2967 dated 05.03.2015 furnished the information pertaining to the Query Nos. **1, 10, 18, 31 and 32**. However, since the applicant(now appellant) had submitted that except query Nos. 1 and 31, the information received for query Nos. **10, 18 and 32** were **not satisfied**, the Commission took up these queries during the hearing.

Regarding compliance to Query No. 10, the DMC had passed an order vide No. DMC/RTI/2009-10/2664 dated 15.12.2014, stating that all DMC Pay & Use Toilets to display sign boards indicating “**No Fees for disabled/physically challenged people**”. The DMC had also enclosed a copy of letter No. LCS & RTI-90/14-15 dated 03.03.2015, wherein the applicant (now appellant) had certified that the DMC had implemented the display of signboard, “**No Fees for disabled**”.

However, the applicant (now appellant) had, vide letter No. LCS & RTI/14-15/92 dated 04.03.2015 submitted that the DMC had earlier furnished that there were **two(2) allottees** of Pay & Use Toilets, however, in the subsequent reply of the DMC had mentioned **four(4) Nos. of** Pay & Use Toilets in DMC Area, namely;

- i. Millennium Market/Old Market
- ii. Murgy Patty
- iii. Nyamo Lotha Road
- iv. NST Central Workshop, Circular Road.

And signboards were displayed **only in two(2)** of the Pay & Use Toilets and a copy of the photograph of the Pay & Use Toilets where “**No fee for disabled person**” were displayed was enclosed.

During the hearing, Shri. Ganesh Sharma, Liaison Officer, Dimapur Municipal Council, Dimapur, Nagaland, who represented the Administrator, Dimapur Municipal Council submitted that for the Pay and Use toilet under DMC jurisdiction,

- a) Mr. Bobo Angami was allotted three (3) Nos. at:-
 - i. Millennium Market/Old Market
 - ii. Murgy Patty
 - iii. NST Central Workshop, Circular Road.
- b) Shri. Tovishe Sohe. was allotted one (1) No. at Nyamo Lotha Road.

And that since the Pay and Use toilets are all in pathetic conditions, there is a proposal for dismantling, and for which instead of permanent sign boards, **Stickers** were displayed in all the Pay and Use toilet under DMC jurisdiction. However, the Liaison Officer, DMC lamented that just like some miscreants used to even burn the dustbins, the stickers were also pulled off.

The Commission observed that till the Pay and Use toilet are dismantled, people will still continue to use them, hence DMC shall display the sign boards in all the Pay and Use toilets located in the above four (4) markets. The applicant (now appellant) had also expressed satisfaction.

Regarding compliance to Query No. 18, the DMC had submitted that the Government had not provided/allotted any S. K. Oil for public distribution since after the decision passed by the Commission. However, as directed by the Commission, a copy of the rate for S. K. Oil collected from the Food & Civil Supplies has been furnished to the applicant (now appellant), and a copy was enclosed.

However, the applicant (now appellant) submitted non-satisfaction since the Order for rates of S. K. Oil issued by the Office of the Superintendent of Food & Civil Supplies, Dimapur was signed by the Deputy Commissioner, Dimapur.

During the hearing, Shri. Ganesh Sharma, Liaison Officer, Dimapur Municipal Council, Dimapur, Nagaland, submitted that in the absence of elected representatives, the district administration heads the DMC and all important decisions are made by the district administration. Hence, for the S.K. Oil, the rate is fixed in consultation with the district administration, DMC and the Food & Civil Supplies during a meeting under the chairmanship of the Deputy Commissioner, Dimapur.

The Commission also agreed with the above submission of the DMC and the applicant (now appellant) had also expressed satisfaction.

Regarding compliance to Query No. 32, the DMC submitted that the information regarding the List of allottees under DMC Hazi Park Market (Hong Kong Market) to whom trade licences were issued had already been furnished to the applicant (now appellant) and that the applicant (now appellant) had also acknowledged on 15.12.2014. A copy was also enclosed.

However, the applicant (now appellant) submitted that there were three (3) parts under this query No. 32 which is reproduced below:-

- i. “Under what terms and condition, the allotment of shops made to the allottees for Hong Kong market.
- ii. Provide us information about the names of the Trade Licence Holders running their business from the place of the same allottees.
- iii. You are kindly requested to furnish the names of allottees of Hong Kong Market alongwith their complete address.”

And that out of the above three (3) parts, the first two (2) were satisfied. However, the third part of the main query was **conditionally satisfied** on the ground that the Liaison Officer of DMC had assured that they shall maintain official record with full and complete address (mobile Nos.) of the allottees of Hong Kong Market in the near future.

During the hearing, the applicant (now appellant) submitted that the information was not satisfied since proper complete address of the allottees of Hong Kong Market were not given, however, he will be satisfied, if the DMC can give an assurance in writing.

However, during the hearing, Shri. Ganesh Sharma, Liaison Officer, Dimapur Municipal Council, Dimapur submitted that whatever information available with the DMC had been furnished. Further, he informed that the DMC is proposing for streamlining and improvisation on the issue of Trade Licence as per the Nagaland Municipal Act, such as formulation of norms, format, rules, proof of identity etc. in consultation with the district administration, Food & Civil Supplies, NGOs and other stakeholders.

The Commission also observed that since no detailed address were given in the list furnished to the applicant (appellant), the DMC need to have proper complete address of the allottees and Trade Licence holders to avoid unwanted situations in future. Therefore, the Commission recommends the DMC to properly screen applicants of Trade Licence and even computerised using modern technology.

DECISION:

On the above observations and findings, since, as far as furnishing of information is concerned, the DMC had furnished whatever available information to the applicant (now appellant) and that the applicant (now appellant) had also expressed satisfaction before the Commission during the hearing, the Commission decided to declare the case as **closed**.

However, the Commission advises the public authority i.e. DMC to improve entry of the list of allottees with complete address of Hazi Park Market under DMC and Trade Licence holders using modern technology for accurate and easy reference **within five (5) months**, under intimation to this Commission regarding the progress and steps taken.

Decision pronounced in the presence of all parties present on 08.04.2015.

Copy be given to:-

1. Shri. H. Atokhe Aye, Administrator, Dimapur Municipal Council, Opp. Punjab & Sind Bank, Kalibari Road, Dimapur, Nagaland.
2. Shri. Ganesh Sharma, Liaison Officer, Dimapur Municipal Council, Dimapur, Nagaland, Mobile No. 9436430966.
3. Shri. Pfosekho Pfoffe, Advocate, legal representative of Dimapur Municipal Council, Dimapur, Nagaland, Mobile No. 9774408129.
4. 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.
5. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
6. Office Copy.

Sd/-
BUKCHEM PHOM
State Information Commissioner

Authenticated true copy:-

(WORHONTHUNG EZUNG)
Under Secretary