

**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-42/2015-16

Dated Kohima, the 20<sup>th</sup> May, 2016.

Appellants : Shri. Vinito Choppy,  
Ex- President,  
Consumer Society,  
Thilixu Village,  
Dimapur, Nagaland,  
Mobile No. 9436073209

Respondents : (i) Director & First Appellate Authority,  
Food & Civil Supplies,  
Nagaland, Dimapur.

(ii) The concerned PIO,  
Food & Civil Supplies,  
Nagaland, Dimapur.

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

Date of hearing : 21.04.2016 at 1:30 PM.

Date of Decision : 20.05.2016.

Present:

1. Shri. Alun Hangsing, Director & FAA, Food & Civil Supplies, Nagaland, Dimapur, Mobile No. 9436001998.
2. Shri. Temsu Jamir, Deputy Director & APIO, Food & Civil Supplies, Nagaland, Dimapur, Mobile No. 9436003725.
3. Shri. Ntsemo Lotha, Inspector, Food & Civil Supplies, Nagaland, Dimapur.
4. The applicant (now appellant), Shri. Vinito Choppy, Ex- President, Consumer Society, Thilixu Village, Dimapur, Nagaland, Mobile No. 9436073209.
5. Shri. Pradip Sethi, Sr. Consumer Activist, Dimapur, Mobile No. 8794363899.

**FACT OF THE CASE**

An applicant, Shri. Vinito Choppy, Ex- President, Consumer Society, Thilixu Village, Dimapur, Nagaland, Mobile No. 9436073209 had submitted a second appeal dated 03.03.2016 stating that he was not satisfied with the information furnished to him by the PIO in response to his RTI application dated 25.09.2015, and for not allowing him for inspection of records for Query No. (c) and (e) on submission of first appeal dated 23.11.2015.

The above applicant had earlier submitted an RTI application dated 25.09.2015 addressed to the PIO, C/o The Director, Department of Food & Civil Supplies, Dimapur, Nagaland, alongwith the prescribed application fee of Rs. 10/- (Rupees ten only) paid in cash seeking information regarding Hostel and Welfare Institution Scheme for the current year with the following details:-

- a. Central Allocation.
- b. District Allocation.
- c. Application received record from the beneficiaries with terms and conditions.
- d. Work orders issued to the selected beneficiaries with terms and conditions.
- e. Stock Register (Receipt & Issue) of Foodgrains of State Stockiest for the current session.
- f. Foodgrains acknowledgment Receipt copy or their signature by acknowledging of Foodgrains as and when received etc. under the purview of the RTI Act 2005.

Further, the applicant had stated that he was ready to pay the necessary charges for **inspection** of records on hour basis under the said Act.

The RTI application dated 25.09.2015 was sent to the public authority by Speed Post on **28.09.2015**.

On receipt of the RTI application dated 25.09.2015, Shri. Temsu Jamir, Deputy Director & PIO, Food & Civil Supplies, Nagaland, Dimapur had, vide letter No. DSE/RTI-1/2014-15/769 dated **26.10.2015** informed the applicant the cost of information amounting to Rs. 6/- (Rupees six only) and had requested to collect it on payment.

The applicant had submitted a First Appeal dated 23.11.2015 to the Director & First Appellate Authority, Food & Civil Supplies, Nagaland, Dimapur stating **unsatisfactory** information furnished by the PIO and for **not allowing him for inspection of records**, which he had expressed his willingness to pay the necessary charges in his RTI application dated 25.09.2015. Further, the applicant in his first appeal requested the FAA to grant his appeal for “inspection of records” for Q. No. (c) and (e).

On receipt of the First Appeal dated 23.11.2015, the Director & First Appellate Authority, Food & Civil Supplies, Nagaland, Dimapur had, vide letter No. DSE/RTI-1/2014-15/1073 dated 15.12.2015 and referring to the applicant’s letter dated 04.12.2015 notified the applicant (now appelland) for a joint meeting on 21.12.2015 at 12:00 PM.

The applicant (now appelland) had preferred a second appeal dated 03.03.2016 before this Commission stating that he was not satisfied with the information furnished to him by the PIO. Further, the applicant submitted that on 21.12.2015, he was verbally told to come again on 10<sup>th</sup> and 12<sup>th</sup> February, 2016 to collect the papers and was also informed that inspection of records for Q. No. (c) and (e) could not be allowed on the ground that he had not mentioned clearly in his RTI application.

The Commission has decided to hear the appeal, giving opportunity to the parties on **21<sup>st</sup> April, 2016 (Thursday) at 1:30 PM** in the **Hearing Room of the Nagaland Information Commission, Old Secretariat Complex, Kohima** and **also directed to bring the files and relevant documents** in question for scrutiny, on the above date and time for hearing.

### **OBSERVATIONS AND FINDINGS:**

During the hearing, the Deputy Director & APIO, Food and Civil Supplies, Dimapur submitted that since the Additional Director & PIO was on leave, he had represented the PIO.

Shri. Temsu Jamir, Deputy Director & APIO, Food & Civil Supplies, Nagaland, Dimapur submitted that on receipt of the RTI application dated 25.09.2015 on 29.09.2015, he had informed the applicant the cost of information on 26.10.2015. The applicant (now appelland) submitted that he had collected the information on 28.10.2015, however, he was not satisfied with the information so furnished to him and was not allowed for inspection of records/registers which he had sought for in Serial No.(c) and (e) in his RTI application. Further, the applicant(now appelland) submitted that in response to his First appeal dated 23.11.2015 to the FAA, he was informed on 21.12.2015 that the information regarding (c) and (e) be provided to him before 15.02.2016, however, till date he had not received any information.

Shri. Alun Hangsing, Director & FAA, Food & Civil Supplies, Nagaland, Dimapur submitted that during the first appeal hearing on 21.12.2015, he had explained to the applicant that since no formal approval for distribution regarding query (c) and approval for allocation regarding query (d) were received from the Government at the time of request for inspection till the time of filing of the first appeal, the information could not be furnished to the applicant (now appelland).

Shri. Temsu Jamir, Deputy Director, Food & Civil Supplies, Nagaland, Dimapur submitted that later on receipt of the Government’s approval regarding query No. (c) i.e. Welfare Scheme, the Department had distributed vide Office Order No. DS/PDS/BP/2015-16 dated **17.03.2016**. Further, he submitted that regarding query No. (d) i.e. the allocation for SC/ST/OBC Hostel Scheme for the current year i.e. 2015-16 was received from the Government of India, Ministry of Consumer Affairs, Food & Public Distribution, Department of Food & Public Distribution vide letter No. 4-4/2015-BP-II(SC/ST/OBC Hostel) dated 31.12.2015 only on **21.01.2016** and hence yet to be carried out.

On the above submission, the Commission also observed that though the allocations were received, distributions were not carried out since the approval for distribution was yet to be received from the Government.

Further, though the PIO had denied for inspection of records on the ground that he had not mentioned clearly in his RTI application, on examination of the RTI Application dated 25.09.2015, the Commission observed that the applicant had indeed mentioned inspection of records in his RTI application.

**DECISION:**

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

1. regarding query No. (c) i.e. Welfare Scheme, since the Department had already distributed, the PIO is directed to allow for inspection as requested by the applicant(now appelland), under intimation to this Commission;
2. regarding query No. (d) i.e. the allocation for SC/ST/OBC Hostel Scheme, inspection shall be allowed to the applicant (now appelland) only after approval of the Government is received by the Department;
3. The PIO is directed to furnish the information regarding query Nos. (c) and (d) to the applicant (now appelland) **within 30 (thirty) days** from the date of receipt of this decision, with a copy to this Commission.

On receipt of the above decision, the case will be heard again in the next hearing which will be notified later.

Decision pronounced in presence of all parties present on 21.04.2016.

Copy to:-

1. Shri. Alun Hangsing, Director & FAA, Food & Civil Supplies, Nagaland, Dimapur, Mobile No. 9436001998.
2. Shri. Temsu Jamir, Deputy Director, Food & Civil Supplies, Nagaland, Dimapur, Mobile No. 9436003725.
3. The applicant (now appelland), Shri. Vinito Chophy, Ex- President, Consumer Society, Thilixu Village, Dimapur, Nagaland, Mobile No. 9436073209.
4. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
5. Office Copy.

**Sd/-**  
**TOSHI AIER, IAS (Retd.)**  
Chief Information Commissioner

**Sd/-**  
**CHANBEMO LOTHIA**  
State Information Commissioner

Authenticated true copy:-

**(WORHONTHUNG EZUNG)**  
Secretary