

NAGALAND INFORMATION COMMISSION
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No. NIC/Appeal-6/2015-16

Dated Kohima, the 8th June, 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) Shri. Alun Hangsing,
Director & First Appellate Authority,
Food & Civil Supplies,
Nagaland, Dimapur.

2) Smti. Apokla Jamir,
Additional Director & PIO,
Food & Civil Supplies,
Nagaland, Dimapur.

3) Smti. Sentirenla Longkumer,
Joint Director & APIO,
Food & Civil Supplies,
Nagaland, Dimapur;

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

Date of hearing : 03.06.2015 at 1:30 PM.

Date of Decision : 08.06.2015.

Present:

1. Shri. Alun Hangsing, Director & First Appellate Authority, Food & Civil Supplies, Nagaland, Dimapur.
2. Smti. Apokla Jamir, Additional Director & PIO, Food & Civil Supplies, Nagaland, Dimapur.
3. Smti. Sentirenla Longkumer, Joint Director & APIO, Food & Civil Supplies, Nagaland, Dimapur.
4. The applicant(now appellant), Shri. Pradip Sethi, Vice President, Life Consumer Society & RTI, OB-30, Supermarket, Near H. N. Company, Dimapur, Nagaland – 797112, Mobile No. 8794363899 represented Shri. Khekuto Tuccu, President, Life Consumer Society & RTI, OB-30, Supermarket, Near H. N. Company, Dimapur, Nagaland – 797112, Mobile No. 9615087958, 8575038826.
5. Shri. Rohitash Dayal, Lhomithi Colony, Dimapur, Mobile No. 9774338206.
6. Shri. Vikheto Zhimomi, P. R. Hill, Kohima, Mobile No. 9615115300.

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 earlier submitted an RTI application dated **29.09.2014** addressed to the PIO, C/o The Director of Food & Civil Supplies, Dimapur, Nagaland, alongwith the prescribed application fee of Rs. 10 (Rupees ten only) seeking several information on **36 (thirty six) queries.**

In response to the above RTI application, Smti. Apokla Jamir, Additional Director & PIO, Food & Civil Supplies, Nagaland, Dimapur had, vide letter No. DSE/RTI-1/2014-15/567 dated **29.10.2014** informed the applicant that the information was ready which consisted of 102 pages in A4 size paper

amounting to **Rs. 204.00 (Rupees two hundred and four only)**, and to collect the information on payment of the cost during office hours.

However, on receipt of the information, the applicant had submitted a **first appeal** vide letter No. LCS &RTI/83/14-15 **dated 13.11.2014** addressed to the Appellate Authority, the Director, Deptt. of Food & Civil Supplies, Nagaland, Dimapur, stating that the reply to **Sl. Nos. 1, 3, 4, 10, 11, 13 and 20** furnished by the PIO were **not satisfied**. And relevant documents totalling **92 pages** were enclosed.

And on receipt of the **first appeal** vide letter No. LCS &RTI/83/14-15 **dated 13.11.2014**, Shri. Alun Hangsing, Director & FAA, Food & Civil Supplies, Nagaland, Dimapur had, vide letter No. DSE/RTI-1/2014-15/679 dated **27.11.2014** informed the applicant to attend a 'joint meeting' on **05.12.2014 at 1:00 PM** in his office chamber and also to collect the re-furnished information as sought during the meeting.

Smti. Sentirenla Longkumer, Joint Director, Food & Civil Supplies, Nagaland, Dimapur had, vide letter No. NIL dated (signed on) **09.01.2015** informed the applicant (now appellant) that decision taken during the RTI hearing was not minuted and a copy given to any parties unlike normal meeting minutes, and therefore, in future such minutes may not be insisted. And a copy of the 'Hearing Minutes' was enclosed.

However, on receipt of the above 'Hearing Minutes', the applicant (now appellant) had, vide No. LCS & RTI/15-16/01 dated **10.04.2015** preferred a second appeal before this Commission stating that though the matter was discussed for all the serial numbers under appeal i.e. **Sl. Nos. 1, 3, 4, 10, 11, 13 and 20**, the **same information** were again received during the 'joint meeting' held on **05.12.2014 at 1:00 PM**. Further, the applicant (now appellant) stated that they were willing to submit the ground of unsatisfaction within 15(fifteen) days from the date of issue of their instant appeal and requested the Commission to take into consideration in official record.

Since the applicant (now appellant) had submitted a second appeal vide No. LCS & RTI/15-16/01 dated 10.04.2015 against the non-satisfaction of the decision of the Director & FAA, Food & Civil Supplies, Dimapur to his first appeal vide letter No. LCS &RTI/83/14-15 dated **13.11.2014** which was submitted against the unsatisfactory information furnished by the PIO, Food & Civil Supplies, Nagaland, Dimapur to his RTI application dated 29.09.2014, the Commission had decided to hear the appeal, giving opportunity to the parties on **3rd June, 2015 (Wednesday) at 1:30 PM** in the **Hearing Room of the Nagaland Information Commission, Old Secretariat Complex, Kohima**.

OBSERVATIONS AND FINDINGS:

During the hearing, Smti. Apokla Jamir, Additional Director & PIO, Food & Civil Supplies, Nagaland, Dimapur submitted that on receipt of the RTI application dated 29.09.2014 **on 30.09.2014**, the applicant was informed about the cost of information amounting to Rs. 204.00 (Rupees two hundred and four only) vide letter No. DSE/RTI-1/2014-15/567 dated **29.10.2014**. The applicant (now appellant) also submitted that the information was received on **30.10.2014**.

Since the applicant (now appellant) had preferred a second appeal dated **10.04.2015** before this Commission stating that though the matter was discussed for all the serial numbers under appeal i.e. **Sl. Nos. 1, 3, 4, 10, 11, 13 and 20**, the **same information** were again received during the 'joint meeting' held on **05.12.2014 at 1:00 PM**, the Commission held the hearing on the **Sl. Nos. 1, 3, 4, 10, 11, 13 and 20**.

Query No. 1: I want to take Xerox copies of the Applications received by your good office from the various registered welfare institutions. District-wise may kindly be issued in Xerox copy for the year 2014-15.

Reply of the PIO: *Xerox copies of application enclosed as Annexure – 1.*

During the hearing, the applicant (now appellant) submitted that he was not satisfied with the reply of the PIO since certificates of registration were not given.

Shri. Alun Hangsing, Director & First Appellate Authority, Food & Civil Supplies, Nagaland, Dimapur submitted that whatever information asked by the applicant (now

appellant) had been provided. However, since the certificates were not asked, they were not given.

The Commission also observed that the PIO had already replied whatever asked by the applicant (now appellant). However, if the applicant (now appellant) wishes to seek additional information, he is free to apply another RTI application.

The applicant (now appellant) submitted satisfaction with the reply of the PIO.

Query No. 3: Please justify how one Rural FPS can function on commission @ Rs. 15/- per Quintal?

Reply of the PIO: *Government has increased FPS commission @ Rs. 50/- per Quintal w.e.f. April, 2014.*

During the hearing, Smti. Apokla Jamir, Additional Director & PIO, Food & Civil Supplies, Nagaland, Dimapur had submitted that as per the approval of the State Government, the commission to FPS had been increased from Rs. 15/- to Rs. 50/- per Quintal w.e.f. April, 2014.

The applicant (now appellant) submitted satisfaction with the reply of the PIO.

The Commission observed that since the PIO had already replied and that the applicant (now appellant) had also submitted satisfaction, the Commission dropped this point of appeal.

Query No. 4: Xerox copies of Central allocation of food grains of Hostel and Welfare Society Scheme for the period 2014-15 alongwith the work order issued to the party with terms and conditions plus utilisation certificate of said food grain for the period ranging from 1st April, 2014 to 30th June, 2014.

Reply of the PIO: *Xerox copies of Central allocation of food grains of Hostel for the period 2014-15 is enclosed but we are unable to provide Xerox copy of Central allocation of food grains of Welfare Society Scheme as this office have not received the allocation from the Government of India. Regarding the allocation of food grains for the hostel during 2014-15, the Government approval is still awaited. Xerox copies enclosed as Annexure – 3.*

During the hearing, the applicant (now appellant) submitted that he was satisfied with the reply of the PIO.

The Commission observed that since the PIO had already furnished whatever information available to the applicant (now appellant) and that the applicant (now appellant) had also submitted satisfaction, the Commission dropped this point of appeal.

Query No. 10: Who is the State stockist for lifting and distribution of Sugar to the FPS and GB? What are the total criteria laid for the chain of lifting and distribution line? What is the retail end price and what is the criteria used for fixation of the said item. Please provide me the total break up of fixation of retail end price of sugar. Xerox copy of Deed of Agreement executed between the department and the State stockist may kindly be issued. Who are entitled to receive sugar and how much quantity is the scale of issue to each card holder or Non Ration card holder? Please provide the information.

Reply of the PIO: *Since discontinuation of Levy sugar by the Government of India w.e.f 01.06.2013, there is no such stockist for lifting and distribution of Sugar to the FPS and GB.*

In conformity to Government letter No. SPLY-6/4/2013 dated 16.07.2013 regarding matter relating to procurement of Sugar from Mills/Open market (Xerox copy enclosed).

Whereas the Government intends to appoint M/s Khrietuo Angami, Dimapur, Nagaland as the Bulk Supplier of ISS-30/31 Grade PDS Sugar to District HQs, Nagaland for a period from 1st August, 2013 to 31st March, 2014. The said firm has also agreed to undertake the work of supplying ISS S-30/31 Grade PDS Sugar to the State Government for the above mentioned period under the terms and conditions given below in the Memorandum of Understanding (MOU) made on 23rd July, 2013 (Photocopy enclosed). The total break up of Fixation of retail End price of Sugar may please be seen from the attached Annexure-4.

The norms laid down by the Government of India since inception till date is 700 grams per head, both for minors and adults in the State.

Shri. Alun Hangsing, Director & First Appellate Authority, Food & Civil Supplies, Nagaland, Dimapur explained that all Village Councils are declared as FPS(Fair Price Shop), and since GBs (Goan Buras) are part of the Village Councils, the Government gives grants to the Village Councils. However, in the towns, though there are GBs, they are not declared as FPS, hence no grants is given. And whereas, in the towns, where there are FPS, but no GBs, grants is given.

The applicant (now appellant) submitted satisfaction with the reply of the PIO and the explanation of the FAA.

Query No. 11: Whether sugar is included under PDS items or food grain item? If it is a PDS item, what is the procedure to control and monitor?

Reply of the PIO: *Sugar is included under PDS items. The procedure to control and monitor jointly verify by the District Administration and Supply Officers for distribution to the Consumers/Beneficiaries/Ration Card holders through FPS.*

During the hearing, the applicant (now appellant) submitted that he was satisfied with the reply of the PIO.

The Commission observed that since the PIO had already furnished whatever information available to the applicant (now appellant) and that the applicant (now appellant) had also submitted satisfaction, the Commission dropped this point of appeal.

Query No. 13: What are the total procedures for prevention of hoarding essential commodities, LPG etc. at the time of call of bandh, artificial crisis? I would like to get information in detail.

Reply of the PIO: *Not within the purview of this Department.*

During the hearing, the applicant (now appellant) submitted that he was satisfied with the reply of the PIO.

The Commission observed that since the PIO had already furnished whatever information available to the applicant (now appellant) and that the applicant (now appellant) had also submitted satisfaction, the Commission dropped this point of appeal.

Query No. 20: Whether it is advisable to sell non PDS commodities, postal items etc. through the network of Urban FPS? And issue of roaming cards to migrant labours? And issue of Adhoc quota other than normal quota to the stand-by Ration Card holders?

Reply of the PIO: *Selling of non-PDS commodities in the FPS of Dimapur have been introduced or test.*

During the hearing, Shri. Alun Hangsing, Director & First Appellate Authority, Food & Civil Supplies, Nagaland, Dimapur submitted that as per the directive of the Ministry of Consumer Affairs, Food & Public Distribution, Department of Food & Public Distribution, New Delhi, all FPS are authorised to sell any item so that the FPS remains open everyday. Further, there is no Stand-by Ration Card holders.

Smti. Apokla Jamir, Additional Director & PIO, Food & Civil Supplies, Nagaland, Dimapur also explained that Adhoc quota means any extra quota outside the normal quota. And when any such Adhoc quota is received, the District Administrations are informed for distribution.

During the hearing, the applicant (now appellant) submitted that he was satisfied with the reply of the PIO and the submission of the Director & FAA, Food & Civil Supplies, Nagaland, Dimapur.

And on the letter No. NIL dated **09.01.2015** written by Smti. Sentirenla Longkumer, Joint Director & APIO, Food & Civil Supplies, Nagaland, Dimapur informing the applicant (now appellant) that decision taken during the RTI hearing was not minuted and a copy given to any parties unlike normal meeting minutes, and therefore, in future such minutes may not be insisted, the Commission pointed out that the APIO is not authorised to give any such reply.

Smti. Apokla Jamir, Additional Director & PIO, Food & Civil Supplies, Nagaland, Dimapur clarified that since she was on leave, she had entrusted her APIO to give the reply. Shri. Alun Hangsing, Director & First Appellate Authority, Food & Civil Supplies, Nagaland, Dimapur had also submitted that since minutes are prepared only after conduct of meetings and not after hearings, the applicant (now appellant) was informed accordingly.

The Commission advised that in future, when any first appeal is received, the FAA should conduct a hearing with the PIO and applicant and pass quasi-judicial order or decision, and not a kind of meeting minutes.

DECISION:

On the above observations and findings, since the applicant (now appellant) had submitted satisfaction with all the replies of the PIO and the explanations of the Director & FAA on all the points of appeal at **Sl. Nos. 1, 3, 4, 10, 11, 13 and 20** during the hearing, the Commission had decided to **close the appeal case.**

However, under Section 25(3) (g) of the RTI Act, 2005, the Commission recommends that the public authority i.e. the Food & Civil Supplies to insist on photocopy of valid certificate of registration when any society apply under PDS and Welfare Schemes.

Decision pronounced in presence of all parties present on 03.06.2015.

Copy be given to:-

1. Shri. Alun Hangsing, Director & First Appellate Authority, Food & Civil Supplies, Nagaland, Dimapur, Mobile No. 9436001998.
2. Smti. Apokla Jamir, Additional Director & PIO, Food & Civil Supplies, Nagaland, Dimapur, Mobile No. 9436431002.
3. Smti. Sentirenla Longkumer, Joint Director & APIO, Food & Civil Supplies, Nagaland, Dimapur, Mobile No. 9436439430.
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/-

KEVININO P. MERU
Chief Information Commissioner

Sd/-

BUKCHEM PHOM
State Information Commissioner

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Under Secretary