

**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-2/2016-17

Dated Kohima, the 30<sup>th</sup> June, 2016.

Appellant : Shri. Vinoka Aye,  
Consumer Society Dimapur,  
Top Floor 2/3, Millennium Building,  
Near Durga Mandir, Dimapur,  
Nagaland – 797112,  
Mobile No. 8974156706/ 9089289020,

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 : 07.06.2016 at 11:00 AM.

Date of Decision : 30.06.2016.

Present:

1. Shri. Alun Hangsing, Director & FAA, Food & Civil Supplies, Nagaland, Dimapur, Mobile No. 9436001998.
2. Smti. Sentirenla Longkumer, Joint Director & PIO, Food & Civil Supplies, Nagaland, Dimapur, Mobile No. 9436439430.
3. Shri. Ntsemo Lotha, Inspector, Food & Civil Supplies, Nagaland, Dimapur, Mobile No. 9862919248.
4. The applicant (now appellant), Shri. Vinoka Aye, Consumer Society Dimapur, Top Floor 2/3, Millennium Building, Near Durga Mandir, Dimapur, Nagaland – 797112, Mobile No. 8974156706/ 9089289020.
5. Shri. Atobo Sumi Swu, Consumer Society Dimapur, Mobile No. 8014242108.

**FACT OF THE CASE**

An applicant, Shri. Vinoka Aye, Consumer Society Dimapur, Top Floor 2/3, Millennium Building, Near Durga Mandir, Dimapur, Nagaland – 797112, Mobile No. 8974156706/ 9089289020 had earlier submitted an RTI application dated 15.02.2016 addressed to the PIO, Food & Civil Supplies Directorate, Dimapur, Nagaland alongwith the prescribed application fee of Rs. 10/- (Rupees ten only) paid through Treasury Challan No. 2 dated 11.02.2016 seeking the following information:-

1. *List of items and total quantity of the items received under Public Distribution System (PDS) from the Central Government alongwith monthly Utilisation Certificate and Issue Register thereof with effect from April 2013 till February, 2016.*
2. *List of Stockist/nominee and Suppliers with proper address.*
3. *List of beneficiaries and Ration Card holders under:-*
  - i. *BPL – Below Poverty Line;*
  - ii. *APL – Above Poverty Line;*
  - iii. *AAJ – Antyodaya Anna Yojana;*
  - iv. *Annapurna Scheme;*  
*in Dimapur district with proper address.*

4. *List of Fair Price Shops in Dimapur district with proper address.*
5. *List of items and total quantity of additional Adhoc allocation for additional BPL families under Targeted Public Distribution System (TPDS) alongwith monthly Utilisation Certificate and Issue Register thereof with effect from April 2013 till February, 2016.*
6. *List of beneficiaries and Card holders under Targeted Public Distribution System (TPDS) with proper address.*
7. *Quantity of Kerosene Oil received under PDS alongwith monthly Utilisation Certificate and Register thereof with effect from April 2013 till February, 2016.*
8. *List of Stockist/nominee and Suppliers of Kerosene Oil with proper address.*

The RTI application dated 15.02.2016 was received by the public authority on the same date i.e **15.02.2016** as evidenced on the body of the RTI application.

On receipt of the RTI application dated 15.02.2016, Smti. Apokla Jamir, Additional Director & PIO, Food & Civil Supplies, Nagaland, Dimapur had, vide letter No. DSE/RTI-1/2015-16/290 dated **15.03.2016** (but signed on 14.03.2016) informed the applicant the cost of information amounting to Rs. 5014/- (Rupees five thousand and fourteen only) and had requested to collect it on payment.

On receipt of the information on 17.03.2016 from the PIO, the applicant had submitted a First Appeal dated 23.03.2016 to the Director & First Appellate Authority, Directorate of Food & Civil Supplies, Nagaland, Dimapur stating that the information has not been duly/fully furnished to him and had enclosed the following table for reference:-

<b>Queries No.</b>	<b>Information not despatched/furnished by the PIO</b>
1	Monthly Utilisation Certificate of all items under PDS in Nagaland and the Issue Register from April 2013 to Feb. 2016.
2	No proper address
3	-----
4	No proper address
5	Monthly Utilisation Certificate of additional Adhoc allocation under TPDS in Nagaland and the Issue Register from April 2013 to Feb. 2016.
6	-----
7	Monthly Utilisation Certificate of Kerosene Oil in Nagaland and the Issue Register from April 2013 to Feb. 2016.
8	No proper address

On receipt of the First Appeal dated 23.03.2016, the Director & First Appellate Authority, Food & Civil Supplies, Nagaland, Dimapur had, vide letter No. DSE/RTI/2015-16/382 dated 04.04.2016 informed the applicant (now appellant) that since he had not specified the information pertaining to the whole of Nagaland except Dimapur district in his original RTI application, the applicant was advised to apply a fresh RTI application addressed to the concerned PIO of the Directorate or the designated PIOs of the respective districts relating to Query No. 7 in order to save time in furnishing the necessary information.

On being not satisfied with the response to his First Appeal dated 23.03.2016, the applicant (now appellant) had preferred a second appeal dated 18.04.2016 before this Commission stating that the Director & First Appellate Authority, Food & Civil Supplies, Nagaland, Dimapur had denied to furnish him the information sought and has misinterpreted his First Appeal dated 23.03.2016 stating that his RTI application dated 15.02.2016 was not specific and that he had applied for information pertaining to only Dimapur district. Further, he stated that he had specifically and clearly sought the information with regards to PDS for the State of Nagaland, as the PDS covered the whole of Nagaland State and not only for the district of Dimapur. He clarified that information sought for Dimapur District was in regard to Query No. 3 and 4 only.

The Commission has decided to hear the appeal, giving opportunity to all the parties on **7<sup>th</sup> June, 2016 (Tuesday) at 11:00 AM** in the **Hearing Room of the Nagaland Information Commission, Old Secretariat Complex, Kohima**. The Commission had also directed all the

concerned parties to bring the files and relevant documents in question for scrutiny, on the above date and time for hearing.

### **OBSERVATIONS AND FINDINGS:**

Shri. Alun Hangsing, Director & FAA, Food & Civil Supplies, Nagaland, Dimapur deposed that the applicant (now appellant) had not specifically asked the information for the whole of Nagaland and that since he was from the Consumer Society Dimapur, the information pertaining to Dimapur centres only was furnished. He had also submitted that since the applicant (now appellant) wanted information for the whole of Nagaland State, he was advised to apply fresh RTI application to the PIO or to the respective PIOs of the districts.

Smti. Sentirenla Longkumer, Joint Director & PIO, Food & Civil Supplies, Nagaland, Dimapur submitted that query Nos. 2, 4 and 8 pertain to proper addresses and whatever information available with the public authority had been furnished to the applicant, whereas query Nos. 3 and 6 were transferred to the PIO, Superintendent of Supply, Dimapur. And for query Nos. 1, 5 and 7 which pertain to Utilisation Certificates and the Issue Registers of PDS, TPDS and Kerosene Oil respectively had been furnished to the applicant for Dimapur district.

During the hearing, the applicant (now appellant) clarified that the information sought for Dimapur District was in regard to Query No. 3 and 4 only, whereas the information sought for the whole of Nagaland was relating to the remaining Queries Nos. 1, 2, 5, 6, 7 and 8. Nevertheless, on the advice of the FAA, he had accordingly applied a fresh RTI application dated 11.05.2016 which included fresh information.

The Commission advised the PIO to also furnish the information to the applicant (now appellant) within the 30 days time limit. In reply to the query raised by the APIO as to whether the cost of information was to be paid by the applicant, the Commission clarified that if the information is furnished within the 30 days time limit, the applicant had to pay the cost of information, however, if the information is furnished after the 30 days time limit, the information had to be provided free of cost. The Commission also advised that the public authority maintain proper records in future.

Further, the applicant (now appellant) submitted that he was not satisfied with the information so furnished to him since the information pertained to Dimapur district only. On being asked by the Commission, the applicant (now appellant) stated that he wanted the Utilisation Certificates and the Issue Registers for the whole of Nagaland in respect of query Nos. 1, 5 and 7.

The Director & FAA submitted that the Utilisation Certificates and the Issue Registers of various schemes are maintained in the respective seventy seven (77) PDS Centers which are spread across the State of Nagaland. Since all the districts and the centers used to submit the Utilisation Certificates to the Directorate, the Utilisation Certificates are available in the Directorate and can be furnished to the applicant. However, regarding the Issue Registers, they are available in the respective districts and the centers and collecting the Issue Registers for the period from April 2013 to February 2016 from all the 77 PDS centres in Nagaland would be very voluminous and hence would require a lot of time to compile and furnish to the applicant (now appellant).

### **DECISION:**

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

1. **Regarding query Nos. 2, 3, 4, 6 and 8** which pertain to proper addresses, the PIO shall furnish the information whatever available to the applicant (now appellant).
2. **Regarding query Nos. 1, 5 and 7** i.e. pertaining to Utilisation Certificates and the Issue Registers of various schemes, the PIO shall furnish copies of the Utilisation Certificates to the applicant (now appellant) free of cost, since the Utilisation Certificates are available in the Directorate. However, for the Issue Registers, the applicant(now

appellant) be allowed centralized inspection of the registers for the whole of Nagaland at the Directorate free of cost as it was already delayed.

Compliances to the above decisions at 1 and 2 shall be completed **within sixty (60) days** from the date of receipt of this decision.

Decision pronounced in the presence of all parties present on 07.06.2016.

Copy to:-

1. Shri. Alun Hangsing, Director & FAA, Food & Civil Supplies, Nagaland, Dimapur, Mobile No. 9436001998.
2. Smti. Sentirenla Longkumer, Joint Director & PIO, Food & Civil Supplies, Nagaland, Dimapur, Mobile No. 9436439430.
3. The applicant (now appellant), Shri. Vinoka Aye, Consumer Society Dimapur, Top Floor 2/3, Millennium Building, Near Durga Mandir, Dimapur, Nagaland – 797112, Mobile No. 8974156706/ 9089289020.
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