

**NAGALAND INFORMATION COMMISSION
OLD SECRETARIAT COMPLEX
POST BOX NO.148
NAGALAND: KOHIMA -797001**

No.NIC/Appeal-16/2011-12

Dated Kohima, the 2nd May, 2012.

Appellant : Mr. T. Ruovi
Assembled Organisation, Kohima.

Respondent : Secretary, Food & Civil Supplies
Deptt. Kohima.

Public Authority : Food & Civil Supplies
Deptt. Kohima.

Date of Hearing : 2.5.2012

Date of Decision : 2.5.2012

Present :

1. Shri K.T. Sukhalu, IAS, Commissioner & Secy., Food & Civil Supplies Deptt., Nagaland, Kohima.
2. Shri Ramongo Lotha, IAS, Addl. Secy., Food & Civil Supplies Deptt., Nagaland, Kohima.
3. The appellant Shri T. Ruovi, Kohima village, L. Khel, Kohima.
4. The appellant Shri Rugeisier, Kohima village, L. Khel, Kohima.

Final Decision

The Commission passed the following interim orders after the hearing held on 28th February, 2012:-

- i. The Addl. Secretary, F&CS and PIO shall not later than **15th March, 2012** submit the full and detailed circumstances for his non submission of information sought within the stipulated time of thirty (30) days from the date of receipt of the RTI application on **12.09.2011**.

- ii. The Secretary, F&CS & FAA shall conduct detailed inquiry into the circumstances of the appeal letter filed before him on 21.10.2011 which appeal letter was received and acknowledged by the SO of F&CS Department on 21.10.2011 but was not put up to him even till date.
- iii. The F&CS Department shall in the mean time collect and compile all the information sought by the petitioners highlighted in their RTI application filed on 12.09.2011 and their appeal filed on 21.10.2011 and submit to the petitioners latest by 31st March, 2012 under intimation to the Commission.
- iv. The Secretary & Appellate Authority, F&CS Deptt. shall immediately hold a separate hearing of the petitioners and PIO as per the procedure laid down in the RTI Act and give his quasi judicial decision under intimation to the Commission.

The status of compliance of the interim orders by the Additional Secretary, Food & Civil Supplies and PIO, the Secretary, Food & Civil Supplies and FAA and Department of Food & Civil Supplies briefly is as follows:

- i. The grounds and detailed circumstances for non submission of information furnished by the Addl. Secretary within the stipulated time of thirty (30) days from the date of receipt of RTI application furnished by the Addl. Secretary, Food & Civil Supplies and PIO vide his letter No.SPLY-10/1/2010 dated 11th March, 2012 is convincing and accepted. No intentional negligence or refusal to furnish information is established.
- ii. The Secretary, Food & Civil Supplies and FAA vide order No.SPLYU-10/1/2010 dated 26th March 2012 has complied with the Commission's interim orders of conducting detailed inquiry into the circumstances of the SO, Food & Civil Supplies, Shri A. Sekhose not processing the appeal letter filed by the petitioner or putting up to the Secretary, Food & Civil Supplies & FAA dated 21.10.2011 which appeal letter was received and signed by Shri A. Sekhose, SO, Food & Civil Supplies Department but not acted upon. Shri A. Sekhose, SO, Food & Civil Supplies is hereby cautioned and warned that repetition of such a serious lapse of duty will be viewed with all seriousness by the Commission.

He is informed that as a recipient of the initial appeal of 21.10.2011 he has become a deemed PIO and therefore is liable to all liabilities and penalties as may be imposed on a PIO. He is cautioned not to repeat such serious lapses in future.

- iii. The Secretary, Food & Civil Supplies and FAA has also held a separate hearing of the Addl. Secy, Food & Civil Supplies & PIO and appellant and passed a quasi judicial order on the appeal heard by him vide letter No.SPLY-10/1/2010 dated 27th March, 2012.
- iv. The Department of Food & Civil Supplies has also in compliance to the interim orders of the Commission passed on 28th February, 2012 also submitted information sought by the appellant T. Ruovi of Assembled Organization, Kohima as initially sought by Mr T. Ruovi of Assembled Organization in their applications filed on 20.07.2011, 12.08.2011 and 12.09.2011.

The appellant has acknowledged receipt of the information furnished by the Commissioner and Secretary, Food & Civil Supplies and FAA to him vide letter No.SPLY-10/1/2010 dated **16.4.2012** but expressed **dissatisfaction** with the information furnished on two counts viz. (1) non submission of the **address** of the beneficiaries allotted levy sugar, APL Rice, wheat and (2) the **criteria** for getting allotment of levy sugar, APL rice and wheat from the Government.

The Commission explained to the appellant that the **address** of the beneficiaries is not mentioned in the original RTI application and therefore cannot be raised at this stage. He is, however, free to submit a **separate application** to the PIO if he wishes. The Commission is of the view that the information furnished regarding the list of beneficiaries by the Food & Civil Supplies Department is adequate. Hence the case is closed on the matter.

Regarding the criteria for allotment of levy sugar, APL Rice and wheat from the Government, the Commission is of the view that the reply of the Food & Civil Supplies Department on the subject is inadequate and therefore orders that the Department of Food & Civil Supplies furnish to the appellant a more detailed and elaborate reply to the appellant by **15.5.2012** under intimation to this Commission. The appellant on receipt of reply shall besides, acknowledging

Receipt of the said reply also convey his satisfaction with the reply furnished by the Department of Food & Civil Supplies.

Decision pronounced on 2nd May, 2012 in the presence of all concerned.

Copy be given to:-

1. The Secretary, F&CS Department & FAA, Nagaland, Kohima.
2. The Addl. Secretary, F&CS Department and PIO, Nagaland, Kohima.
3. The Appellants Shri T. Ruovi, Shri Rugeisier, Smti. Irene, Shri Kevi and Shri Thepfutseilie of Kohima village, L. Khel.

Sd/-
Lalhuma IAS (Rtd)
Chief Information Commissioner,
Nagaland, Kohima

Sd/-
Bukchem Phom
State Information Commissioner,
Nagaland, Kohima

Authenticated by

Secretary
Nagaland Information Commission