

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

No.NIC/Appeal-21/2011-12      Dated Kohima, the 7<sup>th</sup> August, 2012

Appellant:                      Shri Khekuto Tuccu, President, Life  
Consumer Society and RTI, Dimapur

Respondent:                    Chief Executive Officer, Dimapur Municipal  
Council, Dimapur

Public Authority:            Dimapur Municipal Council, Dimapur

Date of hearing:              07.08.2012

Present:                        1. Mrs. Imtirenla Jamir, CEO & FAA, DMC,  
Dimapur.  
2. Shri Nyamo Lotha, Supdt. & PIO, DMC,  
Dimapur.  
3. The appellant Shri Khekuto Tuccu,  
President, Life Consumer Society and RTI,  
Dimapur.  
4. Shri Pradip Kr. Sethi, Dimapur.  
5. Shri Veto V. Zhimomi, Legal Advisor,  
Dimapur  
6. Shri Masaho Katey, Dimapur  
7. Mrs. Visheni Yeps, OB 30, Super Market,  
Dimapur.

**Facts of the case**

Shri Khekuto Tuccu, President, Life Consumer Society and RTI, Dimapur filed an RTI application before PIO, Dimapur Municipal Council on 21.11.2011 seeking information on 11 queries as under:-

1. The list of names of the colonies/village councils in each ward of Dimapur Municipal Area in certified copy?
2. Please issue applicant format for permission of godown permit in Dimapur Municipal Area.

3. Please certify the latest copy of the list of addresses of godowns along with the names of the items store in the Municipal area along with the names of godown license holders.
4. How many litres of S.K.Oil, Office of the Chief Executive Officer, DMC use to receive every month or quarterly in the current year for distribution to consumers of Municipal area?  
In view of the above, the utilization certificate in Photostat may kindly be furnished.
5. What is the Govt. procedures, rules and regulation for rationalization of trade licence fee in Dimapur Municipal Area? The PIO of the office is earnestly requested to issue the connected documents in the regard.
6. Please certify the list of names of wholesale trading licence holders either firm, individual, societies etc. along with the address and names of items wholesale deal in Dimapur Municipal Area.
7. Whether, a meeting for finalization of home delivery of LPG in Dimapur Town Area held recently at DMC Conference Hall or in which year held. Please furnish Photostat copy of minutes passed in that meeting.
8. Who is the convenor of Essential Commodities of DMC?
9. What are the latest minutes of Jt. Meeting with officials from IOC Dimapur, agency distributors and officials from Civil Supply in the matter of streamline the distribution of LPG in Dimapur Dist. ?
10. Who is the Appellate Authority of RTI? Please pass information.
11. What is the total revenue collected by the office of the DMC in respect of all kinds of taxes by the different sections of the office in Dimapur Municipal Area up to date in the current year?

The PIO received the application on 25.11.2011 and furnished the reply on 20.12.2011.

The applicant filed an appeal before CEO and FAA, DMC on 05.01.2012 on the grounds of the information furnished by PIO, DMC not being satisfactory.

The CEO and FAA, DMC who admitted the appeal did not, however, conduct a proper hearing and pass a **quasi judicial order**. However, vide letter No.DMC/RTI/1/2011-12 .....2663 dated

27.02.2012, the PIO furnished a reply to query No.4 on the subject of S.K. Oil received by the DMC and manner of utilization and reply to query No. 7. The reply furnished by PIO, DMC which was also forwarded to the President, Life Consumer Society and RTI is quoted below:-

**“In regard to the question under Sl. No. 4 of letter dated 21<sup>st</sup> Nov. 2011, it may kindly be noted that this office receives 6000 (Six thousand) litres of S.K. Oil per month and major quantities are used for destroying/burning the garages in DMC Dumping ground and also use for cleaning of Septic tanks of the public toilets & DMC pay and use toilets located in various points of the Town and the remaining quantities are distributed amongst the DMC laborers.”**

This reply by PIO, DMC refers to query No.4 filed by the applicant in his RTI application submitted on 21.11.2011.

As regards further clarification on query No.7 on the subject of home delivery of LPG, the PIO furnished the copy of the meeting held on 1<sup>st</sup> November, 2006 and 25<sup>th</sup> August, 2006, regarding the subject matter which the appellant accepted and raised no further issue. The Legal Advisor of the Life Consumer Society and RTI Shri Veto V. Zhimomi and other representatives of the Life Consumer Society and RTI, Dimapur made the following submissions:-

- (a) That the reply furnished by the PIO, DMC stating that 6000 litres of S.K. Oil received by DMC was mostly used for burning garbage in DMC burning ground, cleaning of septic tanks of public toilets and pay and use toilets and the remaining quantities are distributed to the DMC laborers is **misleading** and **false information**. They mentioned that S.K. Oil is to be utilized for distribution among the public particularly those living below poverty line and not for the purposes stated by PIO, DMC in his statement. They also produced a letter of the Government of India, Ministry of Petroleum and Natural Gas (No.P-210-216/3/2010-DIST dated 25<sup>th</sup> June, 2010) in which it was clearly mentioned that S.K. Oil was for cooking and illumination only. The appellant also asked the CEO, DMC whether Government had issued any directions to the DMC to utilize the monthly quota of S.K. Oil for burning the garbage and cleaning the

septic tanks in stead of distributing them to the target beneficiaries.

The CEO & FAA and the PIO, DMC thereafter made the following submissions on the points raised by the appellant and party:-

- i. That 6000 litres of S.K. Oil allotted by DC, Dimapur was shown against the Advisory Board of the DMC but that in actuality no separate S.K. Oil allocation was given to the DMC Establishment. The whole quantity of 6000 litres of S.K. Oil per month was handled by Advisory Board of DMC. The CEO & DMC however clarified that after her joining as CEO, DMC in August, 2011 that 2000 litres of S.K. Oil per month was allotted to the DMC establishment which was distributed mainly to the 200 odd scavengers and employees of DMC, Dimapur at the rate of 5 litres per scavenger per month even though admissible quantity per beneficiary issued by the DC, Dimapur was to be given at the rate of 2 litres. The CEO & FAA and PIO, DMC stated that they have not received any copy of letter of Ministry of Petroleum and Natural Gas cited by the appellants and had not received any Government directions to use S.K. Oil allotment for burning/destroying garbage or septic tanks of toilets as reported by PIO in his reply of **27.02.2012**. It was also further stated by CEO & FAA, DMC that the quantity of S.K. Oil to the DMC continued only up to the end of March, 2012. She further added that the Advisory Board of DMC, Dimapur was dissolved on 05.04.2012 and thereafter no quota of S.K. Oil was received by DMC after March, 2012. The CEO & FAA, DMC also stated that there are no records of 6000 litres received by Advisory Board of DMC and records of distribution of S.K. Oil by Advisory Board of DMC in the office of DMC Establishment as the Advisory Board of DMC was functioning as an independent entity.

In light of submission made by CEO & FAA, DMC about actual monthly allocation received by DMC establishment of 2000 litres with effect from August 2011 to the end of March 2012, the Commission observed with great displeasure that the reply of the PIO furnished vide No.DMC/RTI/1/2011-12 ....2663 dated 27.02.2012 regarding utilization of 6000 litres of S.K. Oil by the DMC for destroying/burning the garbages in DMC Dumping ground and also use for cleaning of Septic tanks of the public toilets & DMC pay and use toilets located in various points of the Town and the remaining quantities are distributed amongst the DMC laborers is found to be grossly misleading and false. This is a serious lapse by the PIO who apparently fabricated the reply to query No. 4. It was clearly contradicted by the statement of CEO & FAA, DMC. The lapses warrant imposition of penalty on the PIO, DMC. However, considering that the PIO furnished satisfactory replies to 10 (ten) out of 11 (eleven) queries, the Commission has taken a lenient view and decided against the imposition of penalty. The NIC cautioned the concerned PIO not to repeat such lapses in future.

### **Decision**

Considering the facts of the case summarized above, the Commission is pleased to order as under:-

1. That the DMC Establishment shall within one month from the date of receipt of the Commission's order furnish to the Life Consumer Society & RTI, Dimapur the **full details** of monthly quota of 2000 litres of S.K. Oil received by DMC Establishment per month with effect from 20<sup>th</sup> August, 2011 till the end of March, 2012 and furnish **FACTUAL utilization certificate** for the said amount of S.K. Oil received by DMC Establishment during this period. The documents shall be countersigned by CEO & FAA, DMC and thereafter forwarded to the appellants under intimation to the Commission.
  
- II. The PIO, DMC shall file an affidavit containing the following points:-

(a) That the information furnished by him in reply to query No.4 vide letter No.DMC/RTI/1/2011-2663 dt. 27.2.2012 regarding manner of **utilization** of 6000 litres of S.K. Oil allotted to Advisory Board of DMC was not based upon **facts** but purely on information obtained from members of Advisory Board of DMC before the Board was dissolved.

(b) That his **wrong** and **misleading** information furnished to query No. 4 was not obtained from any documents or records of DMC Establishment and that without verification of records or grounds realities and that he had casually forwarded the reply to query No. 4. He shall acknowledge this serious lapse and casualness on the part and commit not to repeat such serious lapses and leave the Commission no option but to impose severe penalty under the RTI Act, 2005.

(c) That he has not received any copy of Ministry of Petroleum lettercited by the appellants nor received any directions from Government to utilize monthly quota of S.K.Oil for burning garbage and septic tanks instead of issuing them to target beneficiaries.

The affidavit shall be filed by PIO, DMC within a week of receipt of this order.

Decision pronounced on 07.08.2012 in the presence of all concerned.

Copies be issued to the following:-

1. Mrs Imtirenla Jamir, CEO & FAA, DMC, Dimapur.
2. Shri Nyamo Lotha, Supdt. & PIO, DMC, Dimapur.
3. The appellant Shri Khekuto Tuccu, President, Life Consumer Society and RTI, Dimapur.

4. Shri Pradip Kr. Sethi, Dimapur.
5. Shri Veto V. Zhimomi, Legal Adviser,  
Dimapur.
6. Shri Masaho Katey, Dimapur.
7. Mrs Visheni Yeps, OB 30, Super Market,  
Dimapur.

Sd/-

**Lalhuma IAS (Rtd)**  
Chief Information Commissioner,  
Nagaland, Kohima

Sd/-

**Kevinino P.Meru**  
State Information Commissioner,  
Nagaland, Kohima.

Authenticated by

Secretary  
Nagaland Information Commission