

**NAGALAND INFORMATION COMMISSION**  
**Agri-Farm Colony, Lane-6, H/No. AFC-578**  
**Nagaland: Kohima-797001**  
***Email: cic.nagaland@gmail.com | Website: www.nlsic.nagaland.gov.in***



**No. NIC/APPEAL-28/2022-23**

**Dated Kohima, the 9<sup>th</sup> November, 2022**

**Appellants** : i). Shri. Toito Sumi.

ii). Shri. Kahovi Rochill.

**Respondents** : (i) Smti. Tosheli Zhimomi,  
Director & First Appellate Authority,  
Directorate of Social Welfare,  
Nagaland, Kohima-797001.

(ii) Smti. Nokcharenla Longchar,  
Addl. Director & PIO,  
Directorate of Social Welfare,  
Nagaland, Kohima-797001.

**Public Authority** : Directorate of Social Welfare, Nagaland.

**Date of hearing** : 19.10.2022 at 12:30 P.M.

**Date of Decision** : 09.11.2022.

**Present:**

1. Smti. Tosheli Zhimomi, Director & FAA, Directorate of Social Welfare, Nagaland, Kohima-797001.
2. Shri. T. Neingusalie, Deputy Director & APIO, Directorate of Social Welfare, Nagaland, Kohima-797001.
3. Shri. K. Wango Langsym, Assistant Director, Directorate of Social Welfare, Nagaland, Kohima-797001.
4. The applicants (now appellants), Shri. Toito Sumi, Mobile No. 8837374545, and Shri. Kahovi Rochill, Mobile No. 7005326368.

Smti. Nokcharenla Longchar, Addl. Director & PIO, Directorate of Social Welfare, Nagaland, Kohima did not appear for the hearing.

**FACT OF THE CASE**

Two applicants, Shri. Toito Sumi and Shri. Kahovi Rochill had jointly submitted an RTI application dated ***NIL*** along with application fee of Rs. 10/- only addressed to the PIO, Directorate of Social Welfare, Nagaland requesting the following information pertaining to the period from 2019 till date as below:-

1. *Food items delivery report produced/ carried out by all the enterprises namely:-*
  - a. *MS Abhinav food product.*
  - b. *Ponthungo Enterprises.*
  - c. *Surho Tribal Welfare Society.*
  - d. *Continential Milkos India.*

- e. *M/S Roushena Odyuo LTD.*
- f. *Yetovi Enterprises.*

*Received report signed by the concern SK(Store Keeper) of all blocks specifically District of Dimapur and Zunheboto.*

- 2. *Repair and renovation of Anganwadi houses in all the Districts of Nagaland/ extension of Anganwadi houses in all districts of Nagaland.*
  - a. *Give in abstract the breakup of funds district wise.*
  - b. *Completion certificate of all the completed Anganwadi houses signed by the units council chairman and the implementation officers.*

On receipt of the RTI application on 05.10.2021, Shri. K. Wango Langsym, APIO, Directorate of Social Welfare, Nagaland had, vide letter No. SW/RTI/2021/1645 dated 09.11.2021 furnished the information to the applicant.

On not being satisfied with the information furnished by the APIO, the applicants had submitted a First Appeal dated NIL to the Director & FAA, Directorate of Social Welfare, Nagaland, which was received by the office on 10.11.2021.

On receipt of the first appeal, Shri. Michael Zaren, Director & FAA had, vide letter No. SW/RTI/2021/1288 dated 15.12.2021 passed his decision disposing the application as below:-

- 1. *That the department had directed all the blocks to submit necessary information as sought by letter dated 08/10/2021 and to further submit within 10 days. However till date no further information has received.*
- 2. *The Department hereby mentioned that by letter dated 10/11/2021, information with regard to renovation of Anganwadi Centers has been provided, however, the applicants has denied to receive the said information stating that the information is incomplete.*
- 3. *Therefore, with the above mentioned, the Department is unable to suffice the required information at this stage. Hence, in this regard the FAA is of the considerate opinion that if not satisfied, the concern applicants may kindly take necessary steps to approach the appropriate higher authority as per RTI Act, 2005.*

On being dissatisfied with the decision of the FAA, the applicants had submitted a Second Appeal dated NIL which was received by the Commission on 07.03.2022.

On receipt of the Second Appeal, the Commission had, vide letter No.NIC/Gen/RTI-19/17 /1536 dated 28.04.2022 directed the Director & FAA, Directorate of Social Welfare, Nagaland to hear the first appeal afresh within 45 (forty five) days and to submit a copy of its decision to the Commission.

In compliance to the Commission's directive, Smti. Tosheli Zhimomi, Director & FAA, Directorate of Social Welfare, Nagaland had heard the First Appeal on 16.06.2022 at 11:00 A.M, and had passed decision vide No. SW/RTI/NIC/2022/327 dated 16.06.2022 wherein the PIO was directed to furnish all the necessary information free of cost on or before 24.06.2022. The applicants were also directed to submit satisfaction or non-satisfaction report within 10 days from the date of receipt of the information.

In compliance to the directive of the FAA, Smti. Nokcharenla Longchar, PIO, Directorate of Social Welfare, Nagaland had, vide letter No. SW/RTI/NIC/2022/270 dated **23.06.2022** furnished the necessary information **free of cost** to the applicants as given below: -

*As per the appellate sitting held on 16/06/2022 and direction to the PIO to provide the information sought on or before 24.06.2022, the requisite information with regard to reports signed by the Store Keeper of all the blocks specifically Dimapur and Zunheboto is hereby furnish and annexed as ANNEXURE-1.*

*That with regard to query No. 2 on repair and renovation list of 212 Anganwadi centres, the list is hereby annexed as ANNEXURE-2.*

*That with regard to the fund allocation, a sum of Rs. 1,80,000/- has been allotted to each Anganwadi centres uniformly for the repair and renovation.*

*That with regard to the completion certificate, the renovation of the houses are still going on and therefore the Department is unable to provide the completion certificate.*

On receipt of the information furnished by the PIO, the applicants had submitted a letter dated NIL to the FAA stating that the information furnished was fabricated leading to incomplete documents and unsatisfactory.

On receipt of the above letter on 28.06.2022, the Director & FAA had again, vide No. SW/RTI/Appeal/2021/434 dated 07.07.2022 notified for another hearing on 11.07.2022 at 12:00 Noon.

After the hearing on 11.07.2022, the Director & FAA had passed decision vide No. SW/RTI/NIC/2022/456 dated 11.07.2022 stating that since the applicants had directly obtained a document from the suppliers and made a submission that they were seeking information pertaining to foods items consignment challan produced by all the enterprises, the PIO was directed to furnish the necessary documents within 20 days. The applicants were also directed to submit satisfaction or non-satisfaction report within 10 days from the date of receipt of the information.

In compliance to the above directive dated 11.07.2022 of the FAA, the PIO had, vide letter No. SW/RTI/APPEAL/2021/577 dated 03.08.2022 furnished to the applicants the necessary information sought on FOOD ITEMS CONSIGNMENT CHALLAN.

On receipt of the information from the PIO, the applicants had submitted a letter dated 29.08.2022 to this Commission stating that the department had provided incomplete documents and not as per the work order even after the hearing.

Since the applicants (now appellants) were still not satisfied with the response of the Public Authority, the Commission has decided to hear the above mentioned second appeal giving opportunity of being heard to all the parties on 19<sup>th</sup> October, 2022 (Wednesday) at 12:30 Noon in the Hearing Room of the Nagaland Information Commission, Agri-Farm Colony, Lane-6, H/No. AFC/578, Nagaland, Kohima and directed the parties to appear before this Commission and also to bring the files and relevant documents in question for scrutiny on the above date and time for hearing, with preventive measures such as wearing of face mask and social distancing etc.

1. Smti. Tosheli Zhimomi, Director & FAA, Directorate of Social Welfare, Nagaland, Kohima.
2. Smti. Nokcharenla Longchar, Addl. Director & PIO, Directorate of Social Welfare, Nagaland, Kohima.
3. Shri. K. Wango Langsym, APIO, Directorate of Social Welfare, Nagaland, Kohima.
4. The applicants (now appellants), Shri. Toito Sumi, Mobile No. 8837374545, and Shri. Kahovi Rochill, Mobile No. 7005326368.

### **OBSERVATIONS AND FINDINGS:**

Smti. Nokcharenla Longchar, Addl. Director & PIO, Directorate of Social Welfare, Nagaland, Kohima did not appear for the hearing and she had, vide letter No. SW/RTI/NIC/2022/532 dated 18.10.2022 requested the Commission to grant her leave of absence in the hearing as she was undergoing treatment. She informed that the APIO will be representing her along with the relevant information during the hearing. The Commission had accepted her request and the hearing was conducted in the presence of the FAA and the APIO.

The applicants (now appellants) stated that the FAA had heard the First Appeal on **11.07.2022** and had passed decision on 11.07.2022 wherein the PIO was directed to furnish the necessary documents within 20 (Twenty) days. The PIO had accordingly furnished the information on FOOD ITEMS CONSIGNMENT CHALLAN however the information furnished was not satisfied as the provided information was incomplete and not as per the work order.

#### **Regarding Query No. 1:**

The applicants (now appellants) alleged that the information furnished by the PIO was incomplete and fabricated as in the case of Surohoto where they belong to, the consignment challan was signed by the CDPO even though the officer was on leave and out of station when the consignment reached the District.

Smti. Tosheli Zhimomi, Director & FAA, Directorate of Social Welfare, stated that the information was furnished as per their RTI query starting from the period 2019 till date i.e November 2021 when their RTI application was submitted. She also stated that it was practically impossible at all times for the CDPO to sign every consignment challan, as sometimes it reaches the destination during late hours. Moreover, the Director & FAA claimed that the applicants (now appellants) had collected challans from the enterprises by themselves without the knowledge of the public authority.

Shri. K. Wango Langsym, Asstt. Director & Former APIO, Directorate of Social Welfare, stated that the information was available only upto November 2020 and had furnished whatever information was available to them i.e from the period 2019 to November 2020. He stated that practically it takes 3 (three) to 4 (four) months to issue Sanction Order and complete the implementation. Moreover, there was also late receipt of sanction from the Ministry. He further explained that whenever consignment is received, copy of challan note issued by the department is kept with the CDPO, Enterprise and a third copy is brought by the truck driver and submit the challan wherein the name of the CDPO is also mentioned in the challan which is used for drawal of money. And after money is drawn, challan is kept for office records.

The Commission advised that since officers may not be available in their place of posting all the time, when consignment reaches the district, any officer or staff may be made responsible to receive the consignment. The FAA also agreed and stated that she would take note of it and shall make any officer or staff to receive by giving their names, designation and signature and which shall be countersigned by the CDPO.

The Commission had seriously viewed regarding collection of challans from the enterprises by the applicants themselves and warned not to repeat as the Contractors/ enterprises are not Public Authority.

#### **Regarding Query No. 2:**

Shri. Kahovi Rochill stated that he hails from Surohuto under Zunheboto District, and he had personally surveyed the areas and was dismayed with the implementation of the project for repair and renovation of Anganwadi centers as there were no signs of repair and renovation of

Anganwadi centers in his area. He stated that as per information furnished by the PIO on 23.06.2022, a list of 212 Anganwadi Centers for repair and renovation were given.

Smti. Tosheli Zhimomi, Director & FAA, Directorate of Social Welfare clarified that the repair and renovation of Anganwadi centers were done only for Kohima and Dimapur Districts during the period. In 2019, a total of 212 (two hundred and twelve) Anganwadi Centers were provided assistance for repair and renovation. Sanction order from the Ministry was received on **29/10/2020**, and works orders were issued, however since works have not been completed, the completion certificates are yet to be submitted by the contractors. She also informed that the Sanction order for 2021-2022 was received recently from the Ministry.

### **DECISION**

In view of the above submission and observations the Commission decided that:

1. Smti. Nokcharenla Longchar, Addl. Director & PIO, Directorate of Social Welfare, Nagaland, Kohima shall furnish the information to the applicants (now appellants) relating to **query No. 1 within 1 (one) month** from the date of receipt of the decision and with a copy to the Commission.
2. Regarding **query No. 2**, Smti. Nokcharenla Longchar, Addl. Director & PIO, Directorate of Social Welfare, Nagaland, Kohima shall also furnish to the applicants (now appellants) the remaining Completion Certificates of all Anganwadi centers which were completed upto March, 2021 **within 1 (one) month** from the date of receipt of the decision and with a copy to the Commission.
3. On receipt of the information, the applicants (now appellants) shall submit satisfaction or non-satisfaction to the PIO, with a copy to the Commission **within 15 (fifteen) days** from the date of receipt of the information.

Decision pronounced in the presence of both parties on 19.10.2022 at 12:30 P.M.

Copies be given to:

1. Smti. Tosheli Zhimomi, Director & FAA, Directorate of Social Welfare, Nagaland, Kohima-797001.
2. Smti. Nokcharenla Longchar, Addl. Director & PIO, Directorate of Social Welfare, Nagaland, Kohima.
3. Shri. T. Neingusalie, Deputy Director & APIO, Directorate of Social Welfare, Nagaland, Kohima-797001.
4. The applicants (now appellants), Shri. Toito Sumi, Mobile No. 8837374545, and Shri. Kahovi Rochill, Mobile No. 7005326368.
5. The Computer Programmer, Nagaland Information Commission for uploading on the website.
6. Office Copy.

Sd/-

**I. MEYIONEN JAMIR**  
Chief Information Commissioner

Authenticated true copy:

(Worhonhung Ezung)  
Deputy Secretary