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NAGALAND INFORMATION COMMISSION

NAGALAND COMMISSIONS' COMPLEX

POST BOX NO. 148

NAGALAND, KOHIMA-797004

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No. NIC/APPEAL-7/2023-24

Dated Kohima, the 4th August, 2023.

Subject: Closing Order of Appeal Case.

WHEREAS, the Nagaland Information Commission had, on 10.04.2023 received a second appeal dated 17.03.2023 from Shri. Pradeep Kumar Roy, Santara, P.O- Dala, Jajpur Road, District- Jajpur, State - Odisha, Email- pradeepkumarroy53@gmail.com, Mobile No. 9439064665 against the non-satisfaction of the reply of the Director & FAA, State Lotteries, Nagaland, Kohima to his First Appeal dated 23.01.2023 which was submitted against the non-response to his RTI application dated 24.12.2022.

AND WHEREAS, on receipt of the above second appeal dated 17.03.2023, the Commission had, vide letter No. NIC/Gen/RTI-19/17(Vol-IV)/1949 dated 21.04.2023 wrote to the applicant to submit the missing documents such as the RTI application dated 24.12.2022, first appeal dated 23.01.2023, reply of the FAA and other correspondences/letters, without which the Commission could not take up his case.

AND WHEREAS, in compliance to the Commissions' directive dated 21.04.2023, the applicant (now appellant) had, vide letter No. 12.05.2023 submitted the required correspondences to the Commission.

AND WHEREAS, the applicant had submitted a RTI application dated 24.12.2022 addressed to the PIO, Directorate of Nagaland State Lotteries, Nagaland, Kohima- 797001 along with an application fee of Rs. 20 paid vide IPO No. 55F801407 & 55F 801408 dated 19.12.2022 seeking the following information below:-

"Action taken report on letter No. NIL dated 07.11.2022 of Office of the Nodal Officer, Nagaland State Lotteries, Camp: Kolkata, 121, Jessore Road, South Michael Nagar, Madhyam Gram, PO: Michael Nagar S.O – 700133, Kolkata – 700133, State: West Bengal, being addressed to the Director, Directorate of Nagaland State Lotteries, Kohima, Nagaland. A photo copy of the letter is attached to this application for ready reference."

AND WHEREAS, the applicant had also enclosed in his RTI application dated 24.12.2022, his earlier letter dated 31.10.2022 addressed to Ms./Mr. Neithonuo Sanchu, Nodal Officer, Nagaland State Lotteries, Camp: Kolkata, 121, Jessore Road, South Michael Nagar, (Near National Model High School), Madhyam Gram, PO: Michael Nagar S.O – 700133, Kolkata – 700133, State: West Bengal, Mobile No. 7044435452, email: kolkatacamp32@gmail.com requesting for the "Mailing List of 1) Distributor, 2) Sub- Distributor, 3) Area- Distributor, 4) Stockists, 5) Sub-Stockists, 6) Agents & 7) Retailers" and also letter No. NIL dated 07.11.2022 of the Nodal Officer, Nagaland State Lotteries, Camp: Kolkata forwarding his above mentioned letter dated 31.10.2022 to the Director, Directorate of State Lotteries, Nagaland, Kohima.

AND WHEREAS, on receipt of the RTI application dated 24.12.2022 on **10.01.2023**, Shri. Sievitho Katiry, PIO, Directorate of State Lotteries, Nagaland, Kohima had, vide letter No. DSL/RTI-17/2018 (Pt-II) dated 16.01.2023 furnished the information sought to the applicant as below:-

<i>Sl. No</i>	<i>Queries</i>	<i>Replies</i>
1	<i>Distributor</i>	<i>M/s Future Gaming & Hotel Services Pvt. Ltd</i> <i>Details cannot be provided as it is of commercial confidence and infringement of third party rights under section 8 (1) (d) of the RTI Act, 2005.</i>
2	<i>Sub- Distributor</i>	
3	<i>Area distributor</i>	
4	<i>Stockiest</i>	
5	<i>Sub- Stockiest</i>	
6	<i>Agents</i>	
7	<i>Retailers</i>	

AND WHEREAS, on not being satisfied with the reply of the PIO, the applicant had submitted first appeal dated 23.01.2023 addressed to the FAA, Directorate of State Lotteries, P.R. Hill Junction, Kohima - 797001.

AND WHEREAS, on receipt of the first appeal, Shri. Zhothisa Dawhuo, FAA, Directorate of State Lotteries, had, vide letter No. DSL/RTI-17/2018 (Pt-II)/1314 dated 09.02.2023 informed the applicant (now appellant) that the reply of his RTI queries had already been furnished by the PIO on 16.01.2023 and had also enclosed the reply.

AND WHEREAS, on not being satisfied with the reply of the FAA, Directorate of State Lotteries, the applicant (now appellant) had preferred Second Appeal dated 17.03.2023 to this Commission.

AND WHEREAS, on receipt of the correspondences from the applicant (now appellant) on 30.05.2023, the Commission had examined the case and observed that the letter dated 31.10.2022 submitted by the applicant (now appellant) seeking the information from the Nodal Officer, Nagaland State Lotteries, Camp: Kolkata, cannot be considered as an RTI application since he did not seek the information under the RTI and there was no proof of payment of application fee of Rs. 10/- enclosed in his application. The Commission had also observed that the applicant could have submitted his queries under RTI addressed to the PIO, Directorate of State Lotteries, Nagaland, Kohima instead of to the Nodal Officer, Nagaland State Lotteries, Camp: Kolkata. The Nodal Officer, Nagaland State Lotteries, Camp: Kolkata had aptly transferred the letter to the Director, Directorate of State Lotteries, Nagaland, Kohima since the information was not available in the office of the Nodal Officer, Nagaland State Lotteries, Camp: Kolkata.

AND WHEREAS, the Commission had further observed that the RTI application dated 24.12.2022 addressed to the PIO, Directorate of State Lotteries, Nagaland, Kohima cannot be considered as information since such **Action Taken Report** was not readily available with the public authority and hence would amount to creation of records/reports. The RTI envisage that the PIO is required to supply information whatever available in the Public Authority and is not required to do research on behalf of the citizen to deduce anything from the material and then supply to him. The Commission further reiterate that RTI is a tool to access information and not to create information for the applicant(s).

AND WHEREAS, on receipt of the RTI application dated 24.12.2022 on 10.01.2023 transferred from the Nodal Officer, Nagaland State Lotteries, Camp: Kolkata, the PIO, Directorate of State Lotteries, Nagaland, Kohima had, instead of giving the reply to the RTI application i.e. the **Action Taken Report** on the letter dated 7.11.2022 of the Nodal Officer, Nagaland State Lotteries, Camp: Kolkata, generously and within the 30 days time limit furnished the information which were requested from the Nodal Officer, Nagaland State Lotteries, Camp: Kolkata by the applicant (now appellant) in his letter dated 31.10.2022.

AND WHEREAS, relying on similar cases of the Directorate of State Lotteries, Nagaland, Kohima, the Commission also upheld the decision of the Director & FAA, Directorate of State

Lotteries, Nagaland and the reply of the PIO that such information cannot be fully disclosed since it was a government policy about the selection and in safeguarding the Distributors, Area-Distributors, Sub-Distributors, Stockists, Sub- Stockists, Agents and Retailers etc. and that further disclosure of which might harm the competitive position of the 3rd Party (here in this case the Distributors, Area-Distributors, Sub-Distributors, Stockists, Sub- Stockists, Agents and Retailers etc.) as envisaged under Section 8 (1) (d) of the RTI Act, 2005.

NOW THEREFORE, it is notified to all the parties that the Commission had dismissed the appeal and hereby declared the case as **closed**.

1. Shri. Zhothisa Dawhuo, FAA, Directorate of State Lotteries, Nagaland, Kohima-797001.
2. Shri. Sievitho Katiry, PIO, Directorate of State Lotteries, Nagaland, Kohima-797001.
3. The applicant (now appellant), Shri. Pradeep Kumar Roy, Santara, P.O- Dala, Jajpur Road, District- Jajpur, State- Odisha.

Sd/-

I.MEYIONEN JAMIR

Chief Information Commissioner

No. NIC/APPEAL-7/2023-24

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Dated Kohima, the 4th August, 2023.

Copy to:

1. The PS to the Chief Information Commissioner, Nagaland Information Commission for kind information of the CIC.
2. The PA to the State Information Commissioner, Nagaland Information Commission for kind information of the SIC(N).
3. The PA to the State Information Commissioner, Nagaland Information Commission for kind information of the SIC(K).
4. Shri. Zhothisa Dawhuo, FAA, Directorate of State Lotteries, Nagaland, Kohima-797001.
5. Shri. Sievitho Katiry, PIO, Directorate of State Lotteries, Nagaland, Kohima-797001.
6. The Computer Programmer, Nagaland Information Commission for uploading on the website.
7. The applicant (now appellant), Shri. Pradeep Kumar Roy, Santara, P.O- Dala, Jajpur Road, District- Jajpur, State- Odisha, Email- pradeepkumarroy53@gmail.com, Mobile No. 9439064665.
8. Office Copy.



(WORHONTHUNG EZUNG)

Deputy Secretary

Nagaland Information Commission