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NAGALAND INFORMATION COMMISSION**Nagaland Commissions' Complex****Below NBCC Convention Centre,****Post Box - 148****Nagaland, Kohima - 797004****Email: cic.nagaland@gmail.com | Website: www.nlsic.nagaland.gov.in****No. NIC/APPEAL-11/2023-24 /186****Dated Kohima, the 23rd November, 2023****ORDER**

- Appellant** : Shri. Mbailik Pame,
Samziuram Village,
Mobile No- 9383089259/ 7085686429.
- Respondents** : (i) Shri. Chubawati Chang, NCS
Director & First Appellate Authority,
Directorate of Food & Civil Supplies,
Nagaland, Dimapur-797112.
- (ii) Shri. Lanutoshi Jamir,
Additional Director & PIO,
Directorate of Food & Civil Supplies,
Nagaland, Dimapur-797112.
- (iii) Shri. Neisazo Domeh,
Assistant Director of Supply & PIO,
Food & Civil Supplies,
Peren, Nagaland.
- Public Authority** : Directorate of Food & Civil Supplies, Nagaland, Dimapur.
- Date of hearing** : 22.11.2023 at 11:00 AM
- Date of Decision** : 23.11.2023.
- Present:**
1. Shri. Chubawati Chang, NCS, Director & First Appellate Authority, Directorate of Food & Civil Supplies, Nagaland, Dimapur -797112, Mobile No. 9436216757/8731925079.
 2. Shri. Lanutoshi Jamir, Additional Director & PIO, Directorate of Food & Civil Supplies, Nagaland, Dimapur-797112, Mobile No. 9862403943.
 3. Shri. Neisazo Domeh, Assistant Director of Supply & PIO, Food & Civil Supplies, Peren, Nagaland, Mobile No. 8798791297.
- The following did not appear for the hearing:
1. The applicant (now appellant), Shri. Mbailik Pame, Samziuram Village, Mobile No- 9383089259/ 7085686429.

FACT OF THE CASE

An applicant, Shri. Mbailik Pame had submitted an RTI application dated NIL addressed to the PIO, Food & Civil Supplies, Dimapur, Nagaland along with an RTI application fee of Rs. 10 seeking the following information:-

1. How many types of food grains and other essential commodities fall under the department preview.
2. Furnish information whether food grains are supplied in weight from the main godown.

3. *Provide details record book maintain in the district office 2017 to till date year wise in respect of Jalukie Block, Name of Village.*
4. *Whether food grains are distributed in weight from the district godown.*
5. *Whether AYY and PHH is supplied every month alternate month.*

On receipt of the RTI application dated **NIL** on 23/05/2023, since no information was received from the PIO, Food and Civil Supplies, the applicant had submitted First Appeal dated **NIL** (received on 12/07/2023) to the Director & FAA, Food and Civil Supplies, Nagaland, Dimapur.

On receipt of the first appeal dated **NIL** on 12/07/2023, since there was no response of the FAA to his first appeal dated **NIL**, the applicant (now appellant) had preferred second appeal dated **NIL** to the Nagaland Information Commission, which the Commission had received on 18/08/2023.

On receipt of the second appeal dated **NIL** on 18/08/2023, since the First Appeal was not heard the Commission had, vide letter of even No. dated **28/08/2023** directed the Director & FAA, Food and Civil Supplies, Nagaland, Dimapur to hear the first appeal and pass decision *within 30 (thirty) days* from the date of receipt of its directive and to submit a copy of the decision to this Commission.

Shri. Chubawati Chang, NCS, Director & FAA, Food & Civil Supplies, Nagaland, Dimapur had, vide letter No.DSE/RTI-1/2022-23/433 dated 10/10/2023 forwarded a copy of the withdrawal letter dated 05/10/2023 submitted by the applicant (now appellant) wherein the applicant had stated that after having deliberated thoroughly with the concerned officers of the district, he was satisfied with the overall functioning of the Department in execution of delivering goods and services to the beneficiaries. In view of the withdrawal letter submitted by the applicant, the Director & FAA had called off the first appeal hearing which was scheduled on the 05/10/2023.

Since the grounds for withdrawing the RTI by the applicant (now appellant) was not convincing, the Commission did not accept the withdrawal letter dated 05/10/2023 and hence decided to hear the appeal by giving opportunity of being heard to all the parties on 22nd November, 2023 (Wednesday) at 11:00 A.M in the Hearing Room of Nagaland Information Commission, Nagaland Commissions' Complex, Below NBCC Convention Centre, Nagaland, Kohima and had also directed to bring the files and relevant documents in question for scrutiny on the above date and time for hearing.

1. Shri. Chubawati Chang, NCS, Director & First Appellate Authority, Food & Civil Supplies, Nagaland, Dimapur- 797112.
2. The Concerned PIO, Food & Civil Supplies, Nagaland, Dimapur - 797112.
3. The applicant (now appellant), Shri. Mbailik Pame, Samziuram Village, Mobile No- 9383089259/ 7085686429.

OBSERVATIONS AND FINDINGS:

The applicant (now appellant) did not appear for the hearing and there was no prior intimation to the Commission regarding his non-appearance in the hearing.

During the hearing, Shri. Lanutoshi Jamir, Additional Director & PIO, Directorate of Food & Civil Supplies, Nagaland, Dimapur stated that on receipt of the RTI application dated Nil on 23.05.2023, it was forwarded to the Assistant Director of Supply (hereafter ADS), Peren

vide letter No. DSE/RTI-1/2022-23/788 dated **23.05.2023** with a request to furnish the information to the applicant and with a copy to the Directorate on or before 08.06.2023 without fail.

Shri. Chubawati Chang, NCS, Director & First Appellate Authority, Directorate of Food & Civil Supplies, Nagaland, Dimapur stated that on the directive of the Commission on 28.08.2023, he had, vide letter No. DSE/RTI-1/2022-23 dated 03.10.2023 called for a hearing of the first appeal on 05.10.2023 at 2:00 PM, however the applicant did not appear and instead submitted a withdrawal letter dated 05.10.2023 stating that he was satisfied with the overall functioning of the Department in the execution of delivering goods and services to the beneficiaries, and taking cognizance of the withdrawal letter, he had called off the hearing.

Shri. Neisazo Domeh, ADS & PIO, Peren stated that the RTI application dated Nil forwarded from the Directorate on 23.05.2023 was received on **02.06.2023**. And during the first appeal hearing on 05.10.2023, the information which was more than 500 pages was furnished to the applicant **free of cost** since it was provided after the 30 days time limit.

The Commission observed that there is no withdrawal provision in the Act and in the instant case, the applicant had withdrawn from the PIO and not from the Commission though the case lies with the Commission. Moreover, the grounds given by the applicant withdrawing the RTI stating *satisfaction with the overall functioning of the Department in the execution of delivering goods and services to the beneficiaries* was not convincing since there was no record of any furnishing of the information as sought by the applicant nor any record of having received the information as sought. The ADS & PIO, Peren had also failed to produce a copy of the information before the Commission during the hearing citing huge number of pages.

On perusal of the records, the Commission further observed that the RTI application dated Nil was received by the PIO of the Directorate on 22.05.2023 and it was promptly forwarded/transferred to the ADS, Peren on 23.05.2023, which was within the five (5) days limit mandated under Section 6(3) of the RTI Act, 2005. As per the above submission of Shri. Neisazo Domeh, ADS & PIO, Peren, the Commission further observed that from the date of receipt of the RTI application on **02.06.2023** which was forwarded from the Directorate on 23.05.2023 and the date when he furnished the information to the applicant during the first appeal hearing on **05.10.2023**, there was a total of 125 days, and considering the 30 days time limit in furnishing the information, the days of delay becomes $125 - 30 = 95$ days for which penalty was attracted.

ORDER

On the above observations and findings, the Commission ordered the following actions:-

1. Shri. Neisazo Domeh, Assistant Director of Supply & PIO, Peren shall cause to the Commission, a copy of the information which was given to the applicant(now appellant) **within fifteen (15) days** from the date of receipt of this decision.
2. Under Section 20 (1) of the RTI Act 2005, penalty at the rate of Rs. 250/- per day of delay for **ninety five (95) days** amounting to **Rs. 23,750.00** (Rupees Twenty Three Thousand Seven Hundred and Fifty only) is imposed on Shri. Neisazo Domeh, Assistant Director of Supply & PIO, Peren for contributing to the delay in furnishing the information to the applicant (now appellant) without reasonable cause. The above penalty amount shall be paid within **within 15 (fifteen) days** from the date of receipt of this decision. Since penalty is imposed personally, the penalty amount shall be deposited into the Government account under his name, designation and signature through **treasury challan** in favour of the Accounts Officer, Nagaland Information Commission, Kohima under the Head of Account

given below, with a copy of the treasury challan (in original) to this Commission:-

0070 - Other Administrative Services
60 - Other Services
118- Receipts under RTI Act, 2005

On receipt of the above compliances, the Commission shall close this appeal case.

Decision pronounced in the presence of only the respondents on 22.11.2023 at 11:00 A.M.


Copies be given to:

1. Shri. Chubawati Chang, NCS, Director & First Appellate Authority, Directorate of Food & Civil Supplies, Nagaland, Dimapur -797112, Mobile No. 9436216757/8731925079.
2. Shri. Lanutoshi Jamir, Additional Director & PIO, Directorate of Food & Civil Supplies, Nagaland, Dimapur-797112, Mobile No. 9862403943.
3. Shri. Neisazo Domeh, Assistant Director of Supply & PIO, Food & Civil Supplies, Peren, Nagaland, Mobile No. 8798791297.
4. The Accounts Officer, Nagaland Information Commission for information.
5. The Computer Programmer, Nagaland Information Commission for uploading on the website.
6. The applicant (now appellant), Shri. Mbailik Pame, Samziuram Village, Mobile No- 9383089259/ 7085686429.
7. Office Copy.

Sd/-
T. KEKONGCHIM YIMKHIUNG
State Information Commissioner

Sd/-
NOSAZOL CHARLES
State Information Commissioner

Authenticated true copy:


(Worhonthung Ezung)
Deputy Secretary