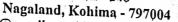
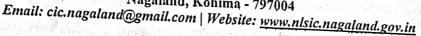


# NAGALAND INFORMATION COMMISSION

Nagaland Commissions' Complex Below NBCC Convention Centre, Post Box - 148





No. NIC/APPEAL-12/2023-24 /187

Dated Kohima, the 24th November, 2023

Appellant : Shri. Ramdihei, Keletzai Colony, Peren Town, Mobile No- 9366054219,

Nagaland- 797101

Respondents

- Shri. Chubawati Chang, NCS Director & First Appellate Authority, Directorate of Food & Civil Supplies,
- Shri. Lanutoshi Jamir, Additional Director & PIO, Directorate of Food & Civil Supplies, Nagaland, Dimapur-797112.
- 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 11:30 AM

Date of Decision

: 24.11.2023.

# 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.

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4. The applicant (now appellant), Shri. Ramdihei, Keletzai Colony, Peren Town, Mobile No- 9366054219, Nagaland- 797101

# FACT OF THE CASE

An applicant, Shri. Ramdihei had submitted an RTI application dated 19/06/2023 addressed to the PIO, Food & Civil Supplies, Dimapur, Nagaland along with an RTI application fee of Rs. 10 seeking the following information:-

1) Kindly provide the name list of 2790 Ration Card Holder Beneficiaries under Antyodaya Anna Yojana (AAY) of Peren District from 2015 till date.

2) As per Ration Card 35 Kg of Rice are provided to each beneficiaries kindly provide the information of "Payment Receipt" made to each of the beneficiaries under AAY from 2015 till date.

- 3) Kindly provide the name list of 9947 Ration Card Holder Beneficiaries under Priority Household (PHH) of Peren District from 2015 till date.
- 4) As per 5 kgs of Rice are provided to each beneficiaries kindly provide the information of "Payment Receipt" made to each of the beneficiaries under PHH from 2015 till date.
- 5) Kindly provide the information of how many Quintal/amount of rice are sanctioned under AAY and PHH schemes for the beneficiaries of Peren District from 2015 till date.
- 6) Kindly provide the information of "Payment Receipt" of how many amount of rice are sanctioned for Peren District under AAY and PHH from 2015 till date.
- 7) Kindly provide the pictorial evidence of amount of rice sanctioned monthly/yearly for each beneficiaries under AAY and PHH schemes from 2015 till date.

The above RTI application was received by the Deputy Director, Food & Civil Supplies, Nagaland, Dimapur on the same date ie. 19/06/2023 as evidenced on the body of the said application, however, on non-receipt of any information from the PIO, Food and Civil Supplies, the applicant had submitted First Appeal dated 21/07/2023 to the FAA, Food and Civil Supplies, Nagaland, Dimapur.

On not getting any response from the Director & FAA, Food & Civil Supplies, Nagaland, Dimapur to his first appeal dated 21/07/2023, the applicant (now appellant) had, preferred second appeal dated 28/08/2023 to the Nagaland Information Commission.

On receipt of the second appeal, since the first appeal was not heard, the Commission had, vide letter of even No. dated 11/09/2023 directed the Director & FAA, Food & Civil Supplies, Nagaland, Dimapur to hear the first appeal and pass decision within 20 (twenty) days from the date of receipt of its directive and to submit a copy of the decision to this Commission.

In compliance to the above directive of the Commission, Shri. Chubawati Chang, NCS, Director & FAA, Food & Civil Supplies, Nagaland, Dimapur had, after hearing the first appeal on 05/10/2023 at 12:00 Noon, passed decision on 06/10/2023 wherein the information prepared by the ADS & PIO, Peren was to be furnished to the appellant through the Directorate of Food & Civil Supplies. He further stated that, the inadvertent delay was caused not due to deliberate negligence by the PIO, but in compilation of the required information.

On receipt of the information from the ADS & PIO, Peren, Shri. Chubawati Chang, NCS, Director & FAA, Food & Civil Supplies, Dimapur, Nagaland had, vide letter No.DSE/RTI-1/2022-23 dated 06/10/2023 furnished the information to the applicant (now appellant).

On receipt of the information, the applicant (now appellant) had, on 30/10/2023 submitted the list of queries and grounds for his non satisfaction to the Nagaland Information Commission as shown below:-

Query No. 1:-

In the list of beneficiaries there are many beneficiaries holding more than 1 (one) Ration cards by the same and single person which is totally void.

Query No. 2:-

As per the Guideline all the beneficiaries were entitled to get 35 Kgs of Rice, however in reality the department distribute only 25 Kgs of rice to the beneficiaries till date. So the applicant sought this application with an interest to know why the beneficiaries didn't received the full amount sanctioned for them and where are the left 10 Kgs kept aside by the concern department/officers which is meant for the beneficiaries? However, reply given by the PIO is irrelevant and meaningless.

Query No. 3:-

In the list of beneficiaries there are many beneficiaries holding more than 1 (one) Ration cards by the same person which is totally void.

Ouerv No. 4:-

As per the Guideline all the beneficiaries were entitled to get 5 Kgs of Rice, however in reality the department they distribute only 3-4 Kgs of Rice to the beneficiaries till date. So the applicant sought this application with an interest to know why the beneficiaries didn't received the full amount sanctioned for them and where are the left 10 Kgs kept aside by the concern department/officers which is meant for the beneficiaries?

## Query No. 6:-

The concern officer/ department reply to this question is irrelevant. So the applicant sought this application with an interest to know about in the details.

Since the applicant (now appellant) was not satisfied with the information even after the first appeal hearing, the Commission has decided to hear the above mentioned appeal by giving opportunity of being heard to all the parties on 22<sup>nd</sup> November, 2023 (Wednesday) at 11:30 A.M in the Hearing Room of Nagaland Information Commission, Nagaland Commissions' Complex, Below NBCC Convention Centre, Nagaland, Kohima and had also directed the parties 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 ADS & PIO, Food & Civil Supplies, Peren, Nagaland.

4. The applicant (now appellant), Shri. Ramdihei, Keletzai Colony, Peren Town, Mobile No- 9366054219, Nagaland- 797101.

# **OBSERVATIONS AND FINDINGS:**

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 19.06.2023 on 19.06.2023, it was forwarded to the Assistant Director of Supply (hereafter ADS), Peren vide letter No. DSE/RTI-1/2022-23/626 dated 20.06.2023 with a request to furnish the information to the applicant and with a copy to the Directorate on or before 10.07.2023 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 11.09.2023, 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 12:00 noon. During the hearing, the ADS & PIO, Peren stated that the information was ready and the applicant had also expressed his willingness to receive the information even though the stipulated time period was lapsed. After hearing both the parties i.e. the Additional Director & PIO and Deputy Director & APIO of the Directorate, the ADS & PIO of Peren and the applicant, the ADS & PIO, Peren was directed to submit the information to the Directorate of Food & Civil Supplies for onward furnishing to the applicant. He admitted that there was some delay, however it was not intentional, but in compilation of the required information. The applicant had received the information, however he was **NOT satisfied** with the information.

The applicant(now appellant) stated that he was satisfied with the replies to his query Nos. 5 and 7 but not 1, 2, 3, 4 and 6.

Regarding <u>Query No. 1</u>, the applicant(now appellant) stated that he was not satisfied since the PIO had, in his reply stated that there were 12,737 beneficiaries under Peren, however there were 14,860 beneficiaries in the list furnished to him. Hence, there was an excess of 2123 beneficiaries, which he claimed that more than 1 (one) Ration card had been issued to the same and single person, resulting in double entry or duplicates.

Shri. Neisazo Domeh, ADS & PIO, Peren clarified that regarding the double entry or duplicates beneficiaries, e-KYC (electronics- Know Your Card) is being done at regular intervals and the list of beneficiaries is kept updated. Perhaps, the latest list of beneficiaries was furnished to the applicant and hence different figures. He questioned how the applicant had come out with the figures to which the applicant replied that he got the information in another RTI filed on 05.05.2023.

Shri. Chubawati Chang, NCS, Director & FAA, Directorate of Food & Civil Supplies, Nagaland, Dimapur also added that all Ration Cards are Aadhar seeded and the food grains are distributed through Aadhar based beneficiaries for different schemes, hence there is a possibility of appearing the same name of beneficiaries for different schemes thus showing inflation in the number of beneficiaries.

Regarding <u>Ouery No. 2</u>, Shri. Neisazo Domeh, ADS & PIO, Peren explained that earlier when payments are made by cash, entries are made and maintained in an issue register. However, now with the e-POS machine, the cards are swiped and receipts are generated instantly which are given to the concerned beneficiaries. However, the applicant desired that the transactions or payment receipts recorded in the e-POS machine be furnished to him. Shri. Lanutoshi Jamir, Additional Director & PIO, Directorate of Food & Civil Supplies, Nagaland, Dimapur stated that he was no aware of such records being recorded in the e-POS machine and only the National Informatics Centre will be knowing.

The Commission observed that query No. 3 regarding name list of ration card holder beneficiaries is similar and related to the query No. 1; and query No. 2 regarding payment receipts is similar and related to the query Nos. 4 and 6. Hence, the above explanation for query No. 1 will cover for query No. 3 and the reply to query No. 2 will cover query Nos. 4 and 6.

Shri. Neisazo Domeh, ADS & PIO, Peren disclosed that the applicant had informed him that if Allocation List was given, he would withdraw the RTI, however, after the allocation list was given to the applicant, the applicant had filed second appeal to the Commission. The applicant stated that he was waiting for the Allocation List but since he did not get the list, he had filed an appeal to the Commission. In this regard, since Allocation List was not asked by the applicant, the Commission took a serious view and cautioned the applicant(now appellant) not to misuse or abuse the RTI tool by negotiating outside the queries sought under RTI. At the same time, the PIO was also cautioned not to entertain such negotiations if an applicant initiates it.

Shri. Neisazo Domeh, ADS & PIO, Peren stated that he had received the RTI application dated 19.06.2023 forwarded from the Directorate on 20.06.2023 on 03.07.2023. And as directed during the first appeal hearing on 05.10.2023 by the FAA, he had submitted the information to the PIO of Directorate on the day of hearing i.e. on 05.10.2023 for onward furnishing to the applicant. The PIO, Directorate had furnished the information to the applicant on 06.10.2023.

The Commission observed that the RTI application dated 19.06.2023 was received by the PIO of the Directorate on 19.06.2023 and it was promptly forwarded/transferred to the ADS, Peren on 20.06.2023, 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 03.07.2023 which was forwarded from the Directorate on 20.06.2023 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 94 days, and considering the 30 days time limit in furnishing the information, the days of delay becomes 94 - 30 = 64 days for which penalty was attracted.

## **ORDER**

On the above observations and findings, the Commission ordered that:-

Action does deliver

- 1. Shri. Neisazo Domeh, Assistant Director of Supply & PIO, Peren shall submit an <u>explanation</u> in writing on the above query No. 1 which also covers No. 3 being similar in nature, to the applicant(now appellant) and with a copy to the Commission <u>within fifteen (15) days</u> from the date of receipt of this order.
- 2. Regarding query No. 2 which also covers query Nos. 4 and 6 being similar and related, since Payment receipts are given away to the beneficiaries and copies not maintained or available with the PIO or the public authority, as requested by the applicant(now appellant) for the transactions or payment receipts recorded in the e-POS machine, the PIO shall, with the technical assistance of the National Informatics Centre try to access and obtain the payment receipts from the e-POS machine, if possible and furnish to the applicant(now appellant) and with a copy to the Commission within fifteen (15) days from the date of receipt of this order.
- 3. On receipt of the compliances to the above decision Nos. 1 and 2 i.e. for query Nos. 1, 2, 3, 4 and 6 from the public authority, the applicant(now appellant) shall submit satisfaction/non-satisfaction to the public authority within ten (10) days from the date of receipt and with a copy to the Commission.

4. Under Section 20 (1) of the RTI Act 2005, penalty at the rate of Rs. 250/- per day of delay for sixty four (64) days amounting to Rs. 16,000.00 (Rupees Sixteen Thousand 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

This Order is passed in the presence of both the parties on 22.11.2023 at 11:30 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. Ramdihei, Keletzai Colony, Peren Town, Nagaland- 797101, Mobile No- 9366054219.

7. Office Copy.

Sd/T. KEKONGCHIM YIMKHIUNG
State Information Commissioner

Sd/-NOSAZOL CHARLES State Information Commissioner

Authenticated true copy:

(Worhonthung Ezung)
Deputy Secretary