CX.

# NAGALAND INFORMATION COMMISSION NAGALAND COMMISSIONS' COMPLEX BELOW NBCC CONVENTION CENTER

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No. NIC/APPEAL-27/2024-25/66-2

Dated Kohima, the 21st April, 2025

Appellant

Shri. H. Akho, H. No. 959, East Dimapur,

Purana Bazar - 797116, Mobile No. 8119000504.

Respondents

: (i) Shri. Chubawati Chang, NCS
Director & FAA,
Directorate of Food & Civil Supplies,
Nagaland, Dimapur.

(ii) Shri. Lanutoshi Jamir,Addl. Director & PIO,Directorate of Food & Civil Supplies,Nagaland, Dimapur.

(iii) Shri. K. Mhonthung,
Deputy Director & APIO,
Directorate of Food & Civil Supplies,
Nagaland, Dimapur

Public Authority

: Directorate of Food & Civil Supplies, Nagaland, Dimapur.

Date of hearing

: 15.04.2025 at 11:30 AM.

Date of Decision

: 21.04.2025

#### Present:

- 1. Shri. Chubawati Chang, NCS, Director & FAA, Directorate of Food & Civil Supplies, Nagaland, Dimapur, Mobile No. 9436216757.
- 2. Shri. K. Mhonthung, Deputy Director & APIO, Directorate of Food & Civil Supplies, Nagaland, Dimapur, Mobile No. 9774023042.
- 3. The applicant (now appellant), Shri. H. Akho, H. No. 959, East Dimapur, Purana Bazar 797116, Mobile No. 8119000504.

## FACT OF THE CASE

An applicant, Shri. H. Akho had submitted a RTI application dated NIL along with application fee of Rs. 10/- addressed to the PIO, Directorate of Food & Civil Supplies, Nagaland seeking the following information related to Tide-Over Scheme: -

- 1. Total quintals received per month (RICE).
- 2. Rate per quintal of KG.
- 3. Who are the beneficiaries?
  - a. Detail list since April 2018 to March, 2024
  - b. District wise list may be furnished.

- 4. Who or which authority handles the scheme and who or which authority decide when to distribute the scheme.
- 5. Who are the carriage contractors?b. Furnish the detail district wise.
- 6. Total quintals distributed to each District.
  - a. Furnish it district-wise.
- 7. Whether the rice is distributed to the beneficiaries through the District offices/ department or the Deputy Commissioners of the respective districts.
- 8. How much is the department spending per month for transportation of tide over Rice? a. Furnish the amount per month for each district from April 2018 till March 2024.
- 9. Whether the department transports the tide over rice to the FCI godowns in the district or it is lifted by the Carriage contractors/district offices from Dimapur FCI godown. Give the details.
- 10. With regard to deposition of money/Demand Draft for lifting of Tide-over rice and for its delivery, who or which authority deposits the money to the department?
  - a. Kindly furnish names of the relevant authority or their power of authority.
  - b. Furnish details of amount deposited per month for each District from April 2018 till March 2024.
- 11. How many Districts have FCI godowns? Kindly furnish the names of the district.

On receipt of the above RTI application dated NIL on 12.09.2024 by the RTI Cell, Shri. Lanutoshi Jamir, Addl. Director & PIO, Directorate of Food & Civil Supplies, Nagaland, Dimapur had, vide letter No. DSE/RTI-1/2023-24/601 dated 09.10.2024, informed the applicant to come and collect the information on payment of Rs. 4/- being the cost of paper (A4 size) for 2 pages i.e., Rs. 2/- per page.

However, on not being satisfied with the reply of the PIO pertaining to query Nos. 03, 04, 06, 07 and 10 of his RTI application, the applicant had submitted a First Appeal dated NIL addressed to the Director & FAA, Directorate of Food & Civil Supplies, Nagaland, Dimapur.

On receipt of the First Appeal dated NIL on 29.10.2024, Shri. Chubawati Chang, Director & FAA, Directorate of Food & Civil Supplies, Nagaland, Dimapur had heard the above First Appeal along with the concerned parties on 20.11.2024 at 02:00 PM and had, vide No. DSE/RTI-1/2023-24/760 dated 21.11.2024, passed his decision wherein the concerned public authority was directed to furnish the necessary information whichever are available in the Department as sought by the appellant by 30.11.2024.

In compliance to the FAA's directive, Shri. K. Mhonthung, Deputy Director & APIO, Directorate of Food & Civil Supplies, Nagaland, Dimapur had, vide letter No. DSE/RTI-1/2023-24/794 dated 30.11.2024, informed the applicant (now the appellant) that the information sought was ready and to collect the information on payment of Rs. 1124/- (Rupees one thousand one hundred and twenty four) as cost of information for 526 pages in A4 size paper.

However, on receipt of the above information, the applicant (now the appellant) was still not satisfied with the reply furnished against <u>query No. 7</u> stating that no documentary evidence was provided in support of the PIO's reply that "The distribution of the rice is done by the stockiest themselves."

Since the applicant (now appellant) is still not satisfied with the reply to Query No. 07 furnished by the public authority, the Commission has decided to hear the above mentioned appeal by giving opportunity of being heard to all the parties on 15<sup>th</sup> April, 2025 (Tuesday) at 11:30 AM in the Hearing Room of Nagaland Information Commission, Nagaland Commissions' Complex, Below NBCC Convention Centre, New Capital Complex, Nagaland, Kohima and had also directed the following parties to appear before this Commission and 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 & FAA, Directorate of Food & Civil Supplies, Nagaland, Dimapur.
- 2. Shri. Lanutoshi Jamir, Addl. Director & PIO, Directorate of Food & Civil Supplies, Nagaland, Dimapur.
- 3. Shri. K. Mhonthung, Deputy Director & APIO, Directorate of Food & Civil Supplies, Nagaland, Dimapur
- 4. The applicant (now appellant), Shri. H. Akho, H. No. 959, East Dimapur, Purana Bazar 797116, Ph. No. 8119000504.

#### **OBSERVATIONS AND FINDINGS:**

The Commission was informed that Shri. Lanutoshi Jamir, Addl. Director & PIO, Directorate of Food & Civil Supplies, Nagaland, Dimapur had recently retired on voluntary and hence did not appear for the hearing.

During the hearing, the applicant (now the appellant) stated that since he was not satisfied with the response to Query No. 7 of his RTI application dated NIL, that "The distribution is done by the Stockists themselves", he had sought the following further information in his first appeal dated NIL:-

If the distribution is done by the Stockists themselves, Whether the stockist picks up the consignment directly from FCI, Dimapur? Or

Whether the FCI transports rice to its godowns in the 5 districts viz. Dimapur, Kohima, Mokokchung, Tuensang, Mon and then distributed by the stockists?

Whether any documentary evidence can be furnished?

Shri. K. Mhonthung, Deputy Director & APIO, Directorate of Food & Civil Supplies, Nagaland, Dimapur had replied "Yes" to the above queries, however the applicant (now the appellant) was not satisfied with the above reply since he did not receive any documentary evidence such as list of beneficiaries to prove that the Stockists had actually distributed rice to the beneficiaries.

The Commission observed that the applicant (now the appellant) had in his First appeal dated NIL submitted on 29.10.2024 sought for <u>further details/additional information</u> pertaining to query Nos. 3, 4, 6, 7 and 10 and including one additional query asking for "CTC of the Ministry's allocation of Tide-Over Rice to Nagaland State since inception of the scheme till March, 2024". However, though additional information cannot be asked or entertained at the time of appeal, the Director & FAA had admitted those "additional information" sought in the first appeal and during the hearing on 20.11.2024 directed the PIO to furnish those "additional information" to the applicant by 30.11.2024. Accordingly, the APIO had furnished those "additional information" to the applicant (now the appellant) on 30.11.2024 since Shri. Lanutoshi Jamir, Addl. Director & PIO, Directorate of Food & Civil Supplies, Nagaland, Dimapur had already retired on voluntary. However, still on not being satisfied with the reply to <u>Query No. 7</u> and <u>without any documentary evidence</u> provided, the applicant (now the appellant) had filed Second Appeal dated 17.12.2024 before the Commission.

The Commission further observed that though the applicant (now the appellant) had, in his first appeal appealed against query Nos. 3, 4, 6, 7 and 10 before the FAA, he had appealed against query No. 7 only in his second appeal before the Commission, suggesting that he was satisfied with the replies given to query Nos. 3, 4, 6 and 10. Hence, the Commission heard the appeal regarding query No. 7 only during the hearing.

The Commission observed that the applicant (now the appellant) had not sought for <u>any</u> <u>documentary evidence</u> in relation to query No. 7 of his RTI application dated NIL and that the PIO had furnished the replies in accordance to the queries asked by the applicant in his RTI application.

Further, since the instant points of non-satisfaction are the "additional information" raised by the applicant (now the appellant) in his appeal, the Commission dismisses the appeal, however, he may file separate application if he so desire.

The RTI application dated NIL was received on 12.09.2024 and reply furnished on 09.10.2024, hence **no delay** is observed.

## **DECISION**

On the above observations and findings, since the instant appeal is regarding the "additional information" raised by the applicant (now the appellant) in his appeal and no delay is observed in giving the reply, the Commission dismisses the appeal and declared the case as **closed**.

Decision pronounced in the presence of both the parties on 15.04.2025 at 11:30 AM.

### Copies be given to:

- Shri. Chubawati Chang, NCS, Director & FAA, Directorate of Food & Civil Supplies, Nagaland, Dimapur, Mobile No. 9436216757.
- 2. Shri. K. Mhonthung, Deputy Director & APIO, Directorate of Food & Civil Supplies, Nagaland, Dimapur, Mobile No. 9774023042.
- 3. The Computer Programmer, Nagaland Information Commission for uploading on the website.
  - 4. The applicant (now appellant), Shri. H. Akho, H. No. 959, East Dimapur, Purana Bazar 797116, Mobile No. 8119000504
  - 5. Office Copy.

Sd/KEVISA KENSE (IAS Retd.)
Chief Information Commissioner

Sd/T. KEKONGCHIM YIMKHIUNG
State Information Commissioner

Sd/NOSAZOL CHARLES
State Information Commissioner

Authenticated true copy:

(Worhonthung Ezung)
Deputy Secretary