

**NAGALAND INFORMATION COMMISSION**

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No. NIC/Appeal-10/2018-19

Dated Kohima, the 20<sup>th</sup> February, 2019.

Appellants

: i) Shri. S. T Yapang Lkr  
Mobile No. 9612800973/9856714829

ii) Shri. Odi Jamir,  
C/o Longkumer Shop,  
House No. JS 186,  
Lower Jail Colony,  
Near Assamese Church,  
Kohima-797001, Nagaland.  
Mobile No. 9862336389/908969800

Respondents

: (i) The Principal Director & First Appellate Authority,  
Health & Family Welfare,  
Nagaland, Kohima.

(ii) The State Programme Officer (NHM) & PIO,  
Health & Family Welfare,  
Nagaland, Kohima.

(iii) The State Programme Officer (RCH) & PIO,  
Health & Family Welfare,  
Nagaland, Kohima.

(iv) The State Programme Officer (UIP) & PIO,  
Health & Family Welfare,  
Nagaland, Kohima.

(v) The District Programme Officer (NHM) & PIO,  
Mokokchung.

(vi) The Chief Medical Officer, Mokokchung.

Public Authority

: Directorate of Health & Family Welfare,  
Nagaland, Kohima.

Date of hearing

: 15.02.2019 at 12:00 PM.

Date of Decision

: 20.02.2019.

Present:

1. Dr. Vikeyie Losu, Principal Director & FAA, Health & Family Welfare, Nagaland, Kohima, Mobile No. 9436000793.
2. Shri. Nokojungba, Sr. RO & PIO, Directorate of Health & Family Welfare, Nagaland, Kohima, Mobile No. 9436001587.
3. Dr. Visasieu Kire, SPO (UIP), Nagaland, Kohima, Mobile No. 9436006402.
4. Dr. Atoshe Sema, SPO, (RCH), Directorate of Health & Family Welfare, Nagaland, Kohima, Mobile No. 9436005786.
5. Dr. Thangloi, SPO(NHM), Directorate of Health & Family Welfare, Nagaland, Kohima, Mobile No. 9436652364.
6. Dr. Medemmayang, CMO, Mokokchung, Mobile No. 9436006230.
7. Dr. Kibangkumbe, Dy. CMO, Mokokchung, Mobile No. 9436439389.

8. The applicants (now appellants), Shri. Odi Jamir and Shri. S. T. Yapang Lkr, C/o Longkumer Shop, House No.JS 186, Lower Jail Colony, Near Assamese Church, Kohima-797001, Nagaland.

### FACT OF THE CASE

Two applicants, Shri. Odi Jamir and Shri. S.T. Yapang Lkr had jointly submitted an RTI application dated 05.07.2018 addressed to the PIO, District Level, District Health Society, under the Health & Family Welfare, Mokokchung District along with an application fee of Rs. 10/- in cash seeking the following information:-

*“As per the RTI information No.RTI/No-35/S&O/H&FW-2*

**1. For the financial year 2012 and 2013.**

- a. *An amount of **INR24619631** was utilized for carrying out **RCH-II activities**. Please provide in details the break-up amount of the activities, program, initiatives that were carried out under the said programme.*
- b. *Also, provided herewith the details and the name of the beneficiaries that were covered under the said activity along with the address and the phone numbers.*
- c. *Furthermore, provide in details in which health unit under the Mokokchung were these activities carried out.*
- d. *An amount of **INR16908510** was utilized for the purpose of **NRHM-Additionalities activities**. Please provide herewith in details the break-up amount of the activities, program, initiatives that were carried out under the said program.*
- e. *Also, provided herewith the details and the name of the beneficiaries that were covered under the NRHM-Additionalities activity along with the address and the phone numbers.*
- f. *Provide in details in which health unit under the Mokokchung were the NRHM-Additionalities activities were carried out.*
- g. *That for the activity under **UIP Part-C Routine Immunization** and amount of **INR1562539** was utilized. Please provide herewith in details the break-up amount of the activities, program, initiatives that were carried out under the said program.*
- h. *Also, provided herewith the details and the name of the beneficiaries that were covered under UIP along with the address and the phone numbers.*
- i. *Furthermore, provide in details in which health unit the Mokokchung were these activities carried out for the UIP activities, with records.*

**2. For the financial year 2013 and 2014.**

- a. *An amount of **INR26308643** was utilized for carrying out **RCH-II activities**. Please provide in details the break-up amount of the activities, program, initiatives that were carried out under the said programme.*
- b. *Also, provided herewith the details and the name of the beneficiaries that were covered under the said activity along with the address and the phone numbers.*
- c. *Furthermore, provide in details in which health unit under the Mokokchung were these activities carried out.*
- d. *An amount of **INR6826655** was utilized for the purpose of **NRHM-Additionalities activities**. Please provide herewith in details the break-up amount of the activities, program, initiatives that were carried out under the said program.*
- e. *Also, provided herewith the details and the name of the beneficiaries that were covered under the NRHM-Additionalities activity along with the address and the phone numbers.*
- f. *Provide in details in which health unit under the Mokokchung were the NRHM-Additionalities activities were carried out.*
- g. *That for the activity under **UIP Part-C Routine Immunization** and amount of **INR1232780** was utilized. Please provide herewith in details the break-up amount of the activities, program, initiatives that were carried out under the said program.*
- h. *Also, provided herewith the details and the name of the beneficiaries that were covered under UIP along with the address and the phone numbers.*

- i. Furthermore, provide in details in which health unit the Mokokchung were these activities carried out for the UIP activities, with records.

**3. For the financial year 2014 and 2015.**

- a. An amount of **INR18154036** was utilized for carrying out **RCH-II activities**. Please provide in details the break-up amount of the activities, program, initiatives that were carried out under the said programme.
- b. Also, provided herewith the details and the name of the beneficiaries that were covered under the said activity along with the address and the phone numbers.
- c. Furthermore, provide in details in which health unit under the Mokokchung were these activities carried out.
- d. An amount of **INR5740670** was utilized for the purpose of **NRHM-Additionalities activities**. Please provide herewith in details the break-up amount of the activities, program, initiatives that were carried out under the said program.
- e. Also, provided herewith the details and the name of the beneficiaries that were covered under the NRHM-Additionalities activity along with the address and the phone numbers.
- f. Provide in details in which health unit under the Mokokchung were the NRHM-Additionalities activities were carried out.
- g. That for the activity under **UIP Part-C Routine Immunization** and amount of **INR442660** was utilized. Please provide herewith in details the break-up amount of the activities, program, initiatives that were carried out under the said program.
- h. Also, provided herewith the details and the name of the beneficiaries that were covered under UIP along with the address and the phone numbers.
- i. Furthermore, provide in details in which health unit the Mokokchung were these activities carried out for the UIP activities, with records.

**4. For the financial year 2015 and 2016.**

- a. An amount of **INR23897570** was utilized for carrying out **RCH-II activities**. Please provide in details the break-up amount of the activities, program, initiatives that were carried out under the said programme.
- b. Also, provided herewith the details and the name of the beneficiaries that were covered under the said activity along with the address and the phone numbers.
- c. Furthermore, provide in details in which health unit under the Mokokchung were these activities carried out.
- d. An amount of **INR462800** was utilized for the purpose of **RI Strengthening Project**. Please provide herewith in detail the break-up amount of the activities, program, initiatives that were carried out under the said program.
- e. Also, provided herewith the details and the name of the beneficiaries that were covered under the NRHM-Additionalities activity along with the address and the phone numbers.
- f. Provide in details in which health unit under the Mokokchung were the NRHM-Additionalities activities were carried out.
- g. That for the activity under **UIP Part-C Routine Immunization** and amount of **INR354660** was utilized. Please provide herewith in details the break-up amount of the activities, program, initiatives that were carried out under the said program.
- h. Also, provided herewith the details and the name of the beneficiaries that were covered under UIP along with the address and the phone numbers.
- i. Furthermore, provide in details in which health unit the Mokokchung were these activities carried out for the UIP activities, with records.
- j. That for the year 2015 and 2016 an amount of **INR402840** was utilized for the activity under the National Mental Health Program (NMHP). What are the various programs, initiatives and others that were carried out under the NMHP in the Districts of Mokokchung? Please provide the details.
- k. Also, provided herewith the details and the name of the beneficiaries that were covered under the NMHP along with the address and the phone numbers.
- l. Furthermore, provide in details in which health unit/ area were the activity under NMHP carried out in Mokokchung District.

- m. That for the year 2015 and 2016 an amount of **INR108700** was utilized for the activity under **NPCDCS**. What are the various programs, activities, initiatives and others that were carried out under NPCDCS in the District of Mokokchung? Please provide the details.
  - n. Also, provided herewith the details and the name of the beneficiaries that were covered under the NPCDCS along with the address and the phone numbers.
  - o. Furthermore, provide in details in which health unit/ area were the activity under NPCDCS carried out in Mokokchung District.
5. **For the financial year 2016 and 2017.**
- a. An amount of **INR28384804** was utilized for carrying out **RCH-II activities**. Please provide in details the break-up amount of the activities, program, initiatives that were carried out under the said programme.
  - b. Also, provided herewith the details and the name of the beneficiaries that were covered under the said activity along with the address and the phone numbers.
  - c. Furthermore, provide in details in which health unit under the Mokokchung were these activities carried out.
  - d. An amount of **INR8295983** was utilized for the purpose of **NHM-Additionalities activities**. Please provide herewith in detail the break-up amount of the activities, program, initiatives that were carried out under the said program.
  - e. Also, provided herewith the details and the name of the beneficiaries that were covered under the NRHM-Additionalities activity along with the address and the phone numbers.
  - f. Provide in details in which health unit under the Mokokchung were the NRHM-Additionalities activities were carried out.
  - g. An amount of **INR223000** was utilized for the purpose of **RI Strengthening Project**. Please provide herewith in details the break-up amount of the activities, program, initiatives that were carried out under the said program.
  - h. Also, provided herewith the details and the name of the beneficiaries that were covered under the strengthening project, if any.
  - i. Furthermore, provide in details in which health unit the Mokokchung were these activities carried out for the UIP activities, with records.
  - j. That for the period year 2016 and 2017 an amount of **INR1493706** was utilized for the activity under the National Mental Health Program (NMHP). What are the various programs, initiatives and others that were carried out under the NMHP in the Districts of Mokokchung? Please provide the details.
  - k. Also, provided herewith the details and the name of the beneficiaries that were covered under the NMHP along with the address and the phone numbers.
  - l. Furthermore, provide in details in which health unit/ area were the activity under NMHP carried out in Mokokchung District.
  - m. That for the year 2016 and 2017 an amount of **INR58800** was utilized for the activity under **NPCDCS**. What are the various programs, activities, initiatives and others that were carried out under NPCDCS in the District of Mokokchung? Please provide the details.
  - n. Also, provided herewith the details and the name of the beneficiaries that were covered under the NPCDCS along with the address and the phone numbers.
  - o. Furthermore, provide in details in which health unit/ area were the activity under NPCDCS carried out in Mokokchung District.
6. What are the various programs, activities that were carried out under Child Health in the District of Mokokchung?
7. What are the various programs, activities that were carried out for Family Planning Method under the District of Mokokchung? Please provide the information in details.”

On receipt of the RTI application dated 05.07.2018 on 06.07.2018, Dr. W. Punsokio Yimchunger, Additional Director & PIO, Directorate of Health & Family Welfare, Nagaland, Kohima had, vide letter No.DHFW-19/RTI/05/2017-18/3745-48 dated 06.07.2018 **transferred the RTI application** to the following State Programme Officers of the Directorate of Health &

Family Welfare, Nagaland, Kohima to furnish the relevant information directly to the applicants under intimation to him:-

- i. The State Programme Officer (NHM) & PIO;
- ii. The State Programme Officer (RCH) & PIO; and
- iii. The State Programme Officer (UIP) & PIO.

On receipt of the above letter No.DHFW-19/RTI/05/2017-18/3745-48 dated 06.07.2018, Dr. Kevichusa Medikhru, Mission Director, State Health Society, National Health Mission, Department of Health & Family Welfare, Nagaland, Kohima had, vide letter No.NRHM/NL-15/37/Part-B/2016-17/00682 dated 17.07.2018 further **transferred the RTI application** to the PIO, District Health Society, C/o Chief Medical Officer, Mokokchung, Nagaland to take necessary actions as per provision of RTI rules.

However, on not getting any response to their RTI application dated 05.07.2018, the applicants (now appellants) had, vide letter No.RTI/No.43/S&O/H&F-3 dated 29.08.2018 (but signed on 20.08.2018) submitted a first appeal to the Principal Director & FAA, Health & Family Welfare, Nagaland, Kohima.

On receipt of the above first appeal dated 29.08.2018 on 29.08.2018, Dr.Vikeyie Losu, Principal Director & FAA, Health & Family Welfare, Nagaland, Kohima had, vide letter No.DHFW-19/RTI/05/2017-18/4368 dated 04.09.2018 (but signed on 31.08.2018) **transferred the first appeal** to the following Sate Programme Officers of the Directorate of Health & Family Welfare, Nagaland, Kohima directing them to furnish the complete information to the applicants (now appellants) within a time limit and without any cost, and to submit a statement on how the RTI application had been delayed:-

- i. The State Programme Officer (NHM) & PIO;
- ii. The State Programme Officer (RCH) & PIO; and
- iii. The State Programme Officer (UIP) & PIO.

On receipt of the above letter, Dr.Atoshe Sema, SPO, UIP, Directorate of Health & Family Welfare, Nagaland, Kohima had, vide letter No.DHFW-16/UIP/RTI/34/2018-19/523-524 dated 05.09.2018 informed the Principal Director, Health & Family Welfare, Nagaland, Kohima that the information sought by Shri. Odi Jamir and Shri. S.T. Yapang Lkr had been provided to the Mission Director, National Health Mission by Dr.Visasieu Kire, State Immunization Officer (UIP), Nagaland, Kohima vide letter No.DHFW-16/UIP/RTI/34/2018-19/295 dated 17.07.2018 stating that the RTI information sought by the applicants (now appellants) was for the distrcit of Mokokchung and that though the funds were utilized/ released from the State level, the actual expendtiure/ implementation was incurred at the district level. He further stated that since the details of expenditure sought in the RTI application would be available in the District level, the RTI application had to be transferred to the Chief Medical Officer, Mokokchung.

Since the applicants (now appellants) had not received the full information as sought, the Commission has decided to hear the appeal case giving opportunity of being heard to all the parties on **15<sup>th</sup> February, 2019 (Friday) at 12:00 Noon** in the **Hearing Room of Nagaland Information Commission, below Raj Bhavan, Officers' Hill Colony, Nagaland, Kohima** and also **to bring the files and relevant documents** in question for scrutiny, on the above date and time for hearing:-

- i. Dr.Vikeyie Losu, Principal Director & FAA, Health & Family Welfare, Nagaland, Kohima.
- ii. Dr. W.Punsokio Yimchunger, Additional Director & PIO, Directorate of Health & Family Welfare, Nagaland, Kohima.
- iii. The State Programme Officer (NHM) & PIO, Directorate of Health & Family Welfare, Nagaland, Kohima.
- iv. The State Programme Officer (RCH) & PIO, Directorate of Health & Family Welfare, Nagaland, Kohima.
- v. Dr. Atoshe Sema, State Programme Officer (UIP) & PIO, Directorate of Health & Family Welfare, Nagaland, Kohima.

- vi. Dr. Visasieu Kire, State Immunization Officer (UIP) & Deemed PIO, State Health Society National Health Mission, Directorate of Health & Family Welfare, Nagaland, Kohima.
- vii. The PIO, District Health Society, C/o Chief Medical Officer, Mokokchung, Nagaland.
- viii. The applicants (now appellants), Shri. Odi Jamir (Para Legal Volunteer) and Shri. S. T. Yapang Lkr (Para Legal Volunteer), RTI Initiative Nagaland, C/o Longkumer Shop, House No.JS 186, Lower Jail Colony, Near Assameese Church, Kohima-797001, Nagaland.

### **OBSERVATIONS AND FINDINGS:**

The applicant stated that he had filed the RTI application dated 05.07.2018 at the Directorate seeking information for Mokokchung, however, his application was transferred and he did not get any reply.

Dr. Vikeyie Losu, Principal Director & FAA, Health & Family Welfare, Nagaland, Kohima stated that the RTI application dated 05.07.2018 was received on 06.07.2018 and Dr. W. Punsokio Yimchunger, Additional Director & PIO, Directorate of Health & Family Welfare, Nagaland, Kohima (who retired from government service recently) had, on the same day i.e. 06.07.2018 transferred it to the three (3) SPOs & PIOs. On receipt of the first appeal on 30.08.2018, he had again transferred to the same three (3) SPOs.

The Commission observed that the RTI application dated 05.07.2018, though addressed to the PIO, District Level, District Health Society, Mokokchung District, the applicants had submitted to the Directorate of Health & Family Welfare, Nagaland, Kohima. On receipt of the RTI application by the PIO of the Directorate, the RTI application was transferred to the Chief Medical Officer, Mokokchung since the information pertain to Mokokchung and were available in the District level.

During the hearing, Dr. Medemmayang, Chief Medical Officer, Mokokchung submitted that the Deputy CMO had received the RTI application and had transferred it to the District Programme Officer who deals both DIO and RCH matters. However, during that time since the Measles Rubella campaign was in full swing and soon after which he had suffered from dengue, the RTI application was forgotten and hence reply could not be given.

The Commission also observed that the FAA did not hear the first appeal and had simply transferred to the same SPOs & PIOs. The Commission reminded that since deciding of appeal is a quasi-judicial function, therefore on receipt of the first appeal, the FAA should have called for a hearing of both the parties i.e. the PIO and the applicant, and pass decision on the first appeal within 30 to 45 days.

The Commission had pointed out that the applicants had submitted the RTI application dated 05.07.2018 which was specifically addressed to the PIO, District Level, District Health Society, Mokokchung District and seeking information pertaining to Mokokchung, however the RTI application was instead submitted to the Directorate of Health & Family Welfare, Nagaland, Kohima. This had consumed more time as the RTI application had to be transferred from one PIO to another and from the Directorate to the district. Further, though under Section 6(3) of the RTI Act, 2005, RTI application is to be transferred to the relevant public authority which deals with the subject matter sought or have the information available, in the present case, the Commission viewed that had the RTI application was sent by speed post instead of submitting it to the Directorate, it would have consumed less time and resources of the public authority. The Commission, therefore, cautioned the applicants to submit to the PIO to whom it was specifically addressed and who deals with the information or have the information.

### **DECISION:**

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

1. The PIO shall furnish the information, free of cost to the applicants(now appellants) **within thirty (30) days** from the date of receipt of this decision, with a copy to this Commission.

2. On receipt of the information from the PIO, the applicants(now appellants) shall confirm satisfaction or non-satisfaction to the PIO and with a copy to the Commission, **within fifteen (15) days** from the date of receipt of the information.

On receipt of the above compliances, the Commission shall hear the case again in the next hearing which shall be notified later.

Decision pronounced in the presence of both the parties on 15.02.2019 at 12:00 PM.

Copy be given to:-

1. Dr. Vikeyie Losu, Principal Director & FAA, Health & Family Welfare, Nagaland, Kohima, Mobile No. 9436000793.
2. Shri. Nokojungba, Sr. RO & PIO, Directorate of Health & Family Welfare, Nagaland, Kohima, Mobile No. 9436001587.
3. Dr. Visasieu Kire, SPO (UIP), Nagaland, Kohima, Mobile No. 9436006402.
4. Dr. Atoshe Sema, SPO (RCH), Directorate of Health & Family Welfare, Nagaland, Kohima, Mobile No. 9436005786.
5. Dr. Thangloi, SPO (NHM), Directorate of Health & Family Welfare, Nagaland, Kohima, Mobile No. 9436652364.
6. Dr. Medemmayang, CMO, Mokokchung, Mobile No. 9436006230.
7. Dr. Kibangkumbe, Dy. CMO, Mokokchung, Mobile No. 9436439389.
8. The applicants (now appellants), Shri. Odi Jamir and Shri. S. T. Yapang Lkr, C/o Longkumer Shop, House No. JS 186, Lower Jail Colony, Near Assamese Church, Kohima-797001, Nagaland.
9. The Computer Programmer, Nagaland Information Commission for uploading on the Commission's website and Notice Board.
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**Sd/-**  
**CHANBEMO LOTHIA**  
Chief Information Commissioner

**Sd/-**  
**G. H. RAMLIA**  
State Information Commissioner

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