

**NAGALAND INFORMATION COMMISSION**

**Below Raj Bhavan, Officers' Hill Colony**

**Post Box No. 148**

**Nagaland, Kohima-797001**

**Tel: 0370-2242366, Fax: 0370-2242368**

*Email: cic.nagaland@gmail.com, Website: www.nlsic.nagaland.gov.in*

*Facebook: Nagaland Information Commission | Twitter: nlsic\_nagaland*



No. NIC/Complaint-2/2018-19

Dated Kohima, the 22<sup>nd</sup> March, 2019.

Complainant : Dr. Prasanta Kumar Goswami,  
1803, Rajdanga Main Road, Block-EF-16,  
P.O. E.K.T.P.,  
Kolkata-700107, West Bengal  
Email: dr.p.k.goswami1963@gmail.com  
Mobile No. 9433311222.

Respondent : Dr. T. Bendangtula,  
Assistant Director (AYUSH) & PIO,  
Directorate of Health & Family Welfare,  
Nagaland, Kohima.  
Email: jamirbentula@gmail.com,  
Mobile No. 9436013702.

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

Date of Hearing : 14.03.2019 at 12:00 P.M

Date of Decision : 22.03.2019.

Present:

1. Dr. T. Bendangtula, Assistant Director-cum-AYUSH Registrar & PIO, Directorate of Health & Family Welfare, Nagaland, Kohima, Mobile No. 9436013702.

The applicant (now complainant), Dr. Prasanta Kumar Goswami, 1803, Rajdanga Main Road, Block-EF-16, P.O. E.K.T.P., Kolkata-700107, West Bengal **did not appear** for the hearing.

**FACT OF THE CASE**

An applicant, Dr. Prasanta Kumar Goswami, had submitted an RTI application dated 15.11.2018 addressed to the Public Information Officer, Directorate of Health & Family Welfare, Nagaland, Kohima-797001 along with an application fee of Rs. 10/- deposited in the Office of the State Public Information Officer vide Court Fee Stamp seeking the information as follows:

*'This has reference to letter dated 25.10.2018 No. DHFW-18/RTI/2013-14/283-284 issued by Dr. T. Bendangtula, Assistant Director (AYUSH), Directorate of Health & Family Welfare, Nagaland, Kohima, 797001, which is attached herewith as Annexure. In page No.2 of the above RTI reply, it appears as follows:-*

*"14 Register of Class B Homoeopath were received (read recovered) from the place of Late Dr. P. Savino, with many incomplete information."*

*Now inform me, that the above noted 14 register which were recorded (read recovered), pertains/ relates to which years?*

*Please give the years chronological for 01.01.2015 upto 15.11.2018.'*

On receipt of the above RTI application dated 15.11.2018, Dr. T. Bendangtula, Assistant Director (AYUSH), Directorate of Health & Family Welfare, Nagaland, Kohima had, vide letter

No.DHFW-18/RTI/2013-14/292-294 dated 19.11.2018 furnished the information to the applicant stating that:-

*“ 14 Registers of Class B Homoeopath were recovered from the place of Late Dr. P. Savino, with many incomplete information.*

*As per the directives of the Nagaland Government order vide No. HFW-22/b-5/BHSM/2011 dated Kohima the 10<sup>th</sup> of Aug. 2016, interview/screening/verification/ were done by an expert committee. Physical verification of clinic/place of practice were done.*

*43 Class B Homoeopath practising in Nagaland State qualified the criteria and they were given renewal. Part II State Register containing their names and details have been sent to the CCH, Delhi.”*

However, on not being satisfied with the above information, the applicant (now complainant) had, vide letter dated 10.12.2018 submitted a complaint to the Commission, stating that the information given to him was believed to be **incomplete, misleading or false**. He had further desired to know the **years to which the 14 registers related/referred to and also the years in chronological order**. He alleged that the reply given by the PIO was an ‘evasive denial’ and the PIO had tactfully avoided to give the details of years to which the 14 recovered Register related/referred and hence not satisfied with the reply of the PIO.

The Commission has decided to hear the complaint case giving opportunity of being heard to all the parties on **15<sup>th</sup> February, 2019 (Friday) at 1:00 P.M.** However, since Dr. T. Bendangtula, Assistant Director (AYUSH), Directorate of Health & Family Welfare, Nagaland, Kohima had, vide letter No. DHFW-18/RTI/2013-14/298 dated 08.02.2019 requested the Commission for postponement of the hearing in view of her participation in the International AYUSH Conclave Kerela from 15.02.2019 to 18.02.2019 at Kanakakunnu, Travindrum and that the applicant (now complainant) had also, vide email dated 10.02.2019 informed the Commission regarding his inability to attend the hearing due to his ill-health, the Commission had accepted their requests and rescheduled the hearing.

The Commission had, vide letter of even No. dated 14.02.2019 notified to hear the complaint case giving opportunity of being heard to all the parties on **14<sup>th</sup> March, 2019 (Thursday) at 12:00 P.M.** in the **Hearing Room of Nagaland Information Commission, below Raj Bhavan, Officers’ Hill Colony, Nagaland, Kohima** and **also directed to bring the files and relevant documents** in question for scrutiny, on the above date and time for hearing:-

- i. Dr. T. Bendangtula, Assistant Director (AYUSH) & PIO, Directorate of Health & Family Welfare, Nagaland, Kohima.
- ii. The applicant (now complainant), Dr. Prasanta Kumar Goswami, Kolkata, West Bengal.

### **OBSERVATIONS AND FINDINGS**

The applicant (now complainant) did not appear for the hearing and there was no prior intimation or reasons for his absence in the hearing.

During the hearing, Dr. T. Bendangtula, Assistant Director (AYUSH) & PIO, Directorate of Health & Family Welfare, Nagaland, Kohima explained that Homoeopath is a five year course, however before the year 1996, since some practice homoeopathy without any formal course, the ‘**Nagaland Homoeopathic Medicines Act, 1996**’ was passed in the Nagaland Legislative Assembly wherein the following categories of homoeopath practitioners were allowed to register and practise:-

- (i) Class A – those who have passed the five and half year course.
- (ii) Class B – those who had not attended the full five year course but had practised prior to 1996 for more than five years on humanitarian ground.

She stated that though registration is a one-time process, the Central Council of Homoeopathy, New Delhi had detected more than 4000 registrations. Moreover, most practitioners practise outside the State which was illegal. The Board was dissolved and a new Board was constituted in December, 2013. The State Government had also, vide No. HFW-22/b-5/BHSM/2011 dated Kohima the 10<sup>th</sup> of Aug. 2016 ordered for screening/verification of Class B Homoeopaths registered with the **Board of Homoeopathic System of Medicines, Nagaland** in

2016 and the Notification was also published in Nagaland Post newspaper on 18.08.2016. The physical verification process started on 09.09.2016 and after the screening, it was found that only 43 practitioners were found to be qualified and hence were given renewal.

She informed that when the Board was dissolved and she was made the new Registrar of the Board, no documents/registers were submitted or handed over. After the demise of the former Registrar in July, 2016, his family members had later handed over some documents and the 14 registers. She stated that whatever information recovered and received had been furnished to the applicant. She clarified that the 'incomplete information' meant the blank pages in the registers and not that the information was missing. Further, she stated that it was not possible to arrange the years in chronological order.

She further informed that the registers recovered from the previous Board contained 4232 Class B registrations, wherein the registration numbers from 1 to 103 (i.e. 103 practitioners) were issued between 11.11.1997 to 29.11.1997 and the registration numbers from 104 to 4232 (i.e. 4129 practitioners) were issued on 11.12.1998. The present applicant did not qualify since his name did not figure in the list. Three (3) month's notice was given for verification but the applicant did not even appear.

### **DECISION**

On the above observations and findings, the Commission decided that the PIO shall set up an Inquiry Committee and submit its report to the Commission **within 30 days** from the date of receipt of this decision.

Decision pronounced in the presence of only the respondent on 14.03.2019 at 12:00 PM.

Copy be given to:-

1. Dr. T. Bendangtula, Assistant Director (AYUSH) & PIO, Directorate of Health & Family Welfare, Nagaland, Kohima, Email: jamirbentula@gmail.com, Mobile No. 9436013702.
2. The applicant (now complainant), Dr. Prasanta Kumar Goswami, 1803, Rajdanga Main Road, Block-EF-16, P.O. E.K.T.P., Kolkata – 700107, West Bengal, Email: dr.p.k.goswami1963@gmail.com, Mobile No. 9433311222.
3. The Computer Programmer, Nagaland Information Commission for uploading on the Commission's website and Notice Board.
4. Office Copy.

Sd/-

**CHANBEMO LOTH**  
Chief Information Commissioner

Sd/-

**G. H. RAMLIA**  
State Information Commissioner

Authenticated true copy:-

**(WORHONTHUNG EZUNG)**  
Secretary