

**NAGALAND INFORMATION COMMISSION
OLD SECRETARIAT COMPLEX
POST BOX NO.148
NAGALAND: KOHIMA -797001**

No.NIC/Appeal-4/2012-13/

Dated Kohima, the 29th June. 2012

Appellant: Mr Joshua Sheqi,
Advocate, Gauhati High Court,
Kohima Bench, Kohima, Nagaland.
Mobile: 9856235997

Respondent: Principal Director, Health & Family Welfare, Nagaland,
Kohima.

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

Date of hearing: 29.06.2012

Date of final decision: 29.06.2012

Present:

1. Dr Yangerlemla, Principal Director &FAA, Health & Family Welfare, Nagaland, Kohima.
2. Dr. N. Savino, Addl. Director & PIO, Health & Family Welfare, Nagaland, Kohima.
3. Mr R.F. Lotha, Addl. Drugs Controller, H&FW, Nagaland, Kohima (**former PIO**).
4. Mr Joshua Sheqi,
Advocate, Gauhati High Court,
Kohima Bench, Kohima, Nagaland.

Facts of the case

The applicant Joshua Sheqi filed an RTI application to the PIO, Health & FW Directorate on 17th December, 2011. According to the PIO he received the application on 17.12.2011 which was handed over to him by the applicant. The PIO thereafter endorsed the application to the Joint Director (N), Health &FW to take necessary action. The PIO, Health &FW furnished the information sought by the applicant on 7th February, 2012. However, the Commission noted that the PIO, Health &FW had not handed over the information to the applicant by issuing formal forwarding letter but had given to him by hand when the applicant

came to collect the information. Going by the date on which RTI application was filed (17.12.11) and the date of receipt of the information by the applicant i.e.07.02.2012, a total of 52 days was taken to furnish the information to the applicant. This delay for not furnishing the information within the stipulated 30 (thirty) days and delay of 22 (twenty two) days is noted with displeasure by the Commission. However, since information was furnished to the application, this delay is condoned this time.

The applicant thereafter filed an appeal to the Principal Director & FAA, Health &FW on 14.02.2012 which was received in the absence of the Principal Director, Health &FW by the PA to Principal Director, Health &FW. Later on as per the documents available it was sent to the Additional Director, Health &FW who affixed his signature on the body of the appeal letter on 17.02.2012 but took no action.

The applicant filed an appeal before the Commission on 26.03.2012. The appeal was filed before the Commission on two grounds viz.

- (a) Non furnishing of information sought on query Nos. 3, 4 and 5.
- (b) The Principal Director & FAA, Health &FW had not taken any action even after a lapse of two months from the date the appeal was filed before her.

The Commission admitted the appeal and fixed hearing on 29.06.2012.

The Commission directed the Principal Director & FAA, Health &FW to explain why no action was taken by her on appeal filed by the petitioner before her on 14.02.2012. The Principal Director & FAA, Health &FW submitted that this appeal letter which was received by the Department in her absence was never processed nor put up to her. This is a very serious lapse on the part of the concerned officials of the Health &FW Directorate. Nevertheless since the Principal Director & FAA, Health &FW had categorically stated before the Commission that this appeal letter dated 14.02.2012 received in her absence was never shown to her nor the matter processed and put up to her even till date. The benefit of doubt is, therefore, given to the Principal Director & FAA, Health &FW. She is, however, directed to issue instructions to all concerned in the Health &FW Directorate to promptly process any RTI matters whether they be initial applications or appeals.

The Commission also upon scrutiny of the documents furnished by the PIO of the Directorate of Health &FW is in agreement that the replies to query Nos. 3, 4 & 5 furnished by the Department through PIO does not satisfactorily answer the queries raised by the applicant. This is construed to be lack of application of mind by the concerned PIO who furnished the information to the petitioner.

Decision

Considering the position explained above, the Commission is pleased to order as under:-

1. The Principal Director & FAA, Health &FW shall constitute a committee headed by her and two other Directors, Health &FW to immediately enquire into the circumstances leading to the appeal filed before the Principal Director & FAA, Health &FW **not** being attended to **nor put up** to the Principal Director & FAA, Health &FW for taking appropriate decision and disposing the appeal case. Based on the enquiry conducted, accountability shall be fixed on the concerned officials. This enquiry should be completed within one week of the receipt of this order and enquiry report be furnished to the Commission for records.
2. The Principal Director & FAA, Health &FW shall take suitable action to obtain detailed information on queries Nos. 3, 4 & 5 of the application filed by the applicant/petitioner and submit the factual information to the appellant **free of cost** within **thirty days of the receipt of this order and copy be also endorsed to the Commission.**
3. The Principal Director & FAA, Health &FW shall also direct all PIOs to formally endorse replies to RTI applications and not hand over such information without forwarding letters and obtaining the receipt from the information seekers.

Decision made in the presence of all present on this day the 29.06.2012.

Copy be given to all concerned:-

1. Dr Yangerlemla, Principal Director & FAA, Health & Family Welfare, Nagaland, Kohima.
2. Dr. N. Savino, Addl. Director & PIO, Health & Family Welfare, Nagaland, Kohima.

3. Mr R.F. Lotha, Addl. Drugs Controller, H&FW, Nagaland, Kohima (**former PIO**).
4. Mr Joshua Sheqi, Advocate, Gauhati High Court, Kohima Bench, Kohima, Nagaland.

Sd/-
(LALHUMA) IAS (Rtd)
Chief Information Commissioner,
Nagaland, Kohima.

Sd/-
(BUKCHEM PHOM)
State Information Commissioner,
Nagaland, Kohima.

Authenticated by:-

(Worhonthung Ezung)
Under Secretary
Nagaland Information Commission
Nagaland, Kohima