

NAGALAND INFORMATION COMMISSION
OLD SECRETARIAT COMPLEX,
POST BOX NO. 148
NAGALAND
KOHIMA – 797001

No. NIC/Appeal-15/2008

Dated Kohima, the 15th October, 2008

Appellant : **Shri Nillo Achumi,
C/o Dy. S.P.,
Legal Cell Branch
PHQ Office, Nagaland
Kohima - 797001**

**Respondent
Public Authority** : **Department of Health &
Family Welfare, Nagaland, Kohima.
Office of the Principal Director of
Health & Family Welfare, Nagaland,
Kohima.**

DATE OF HEARING - **03.09.2008**
DATE OF DECISION - **15.10.2008**

Present - **Shri Nillo Achumi.
Shri P.F. Lotha, PIO and Additional Drugs Controller.
Dr. Viyie Sekhose Appellate Authority and Principal Director,
Health & Family Welfare, Nagaland, Kohima.**

Facts.

Shri Nillo Achumi submitted an appeal to Nagaland Information Commission on 30.7.2008 stating that he had submitted RTI application to PIO, Community Health Centre (CHC), Pughoboto seeking certain information unsatisfied with the information received, he had preferred appeal to Appellate Authority, Medical Department on 25.6.2008, which was replied by PIO of Directorate of Health & Family Welfare, Kohima on 10.7.2008 informing that Rs. 10 fee was not paid, and that the information sought will be available at CHC Pughoboto. Hence he filed the second appeal to the Commission to look into the matter.

During the hearing held on 3.9.2008, Shri P.F. Lotha PIO and Additional Drugs Controller Directorate of Health & Family Welfare, Kohima submitted that there is no PIO or APIO designated at Pughoboto, that some information in reply to the RTI applications were given by the CHC at Pughoboto, that on receipt of the first appeal on 25.6.2008, he had informed the appellant of not enclosing fee of Rs. 10.00 and that the information sought would be available at CHC Pughoboto.

Shri Nillo Achumi, Appellant, stated that the information given in reply to his RTI application was incomplete, hence he appealed to the first Appellate Authority on 25.6.2008. He is not satisfied because the Appellate Authority did not give decision but instead the PIO of the Directorate replied on 10.7.2008 informing him that Rs. 10 fee is not enclosed, which has already been paid with the RTI application on 29.4.2008, and that the information sought would be available at CHC, Pughoboto.

The Commission observe that the RTI application has not been dealt with properly. At the RTI application stage, which was submitted and received where there was no PIO or APIO designated, some information was given, but unsatisfied with the reply the applicant preferred first appeal to Appellate Authority of the Department. The appeal was replied by the PIO of the Directorate, that also informing that Rs. 10 fee was not enclosed, and that information would be available elsewhere. These indicate that the Department is not at all conversant with provisions of RTI Act 2008 and PIO and Appellate Authority do not know their respective functions, and also that the designation and availability of PIOs and APIOs in the various establishments under the Department have not been publicised.

DECISION.

The Commission find that the PIO of the Directorate of Health & Family Welfare Shri P.F. Lotha had acted as the PIO, giving reply to the first Appeal, but the first Appellate Authority has not dealt with the first Appeal dated 25.6.2008. Appellant is not required to pay any fee for appeals and for RTI Application the fee of Rs. 10.00 has been paid, and received by the Department on 29.4.2008 at CHC Pughoboto.

The Commission direct that the first Appellate Authority Dr. Viyie Sekhose, Principal Director, Health & Family Welfare should deal with the first Appeal submitted on 25.6.2008 as per provisions of the RTI Act 2005 and give his decision and directions.

The Department is directed to carefully consider implementation of Section 5 (b) of the RTI Act 2005 relating to designation of APIOs at appropriate establishments under the Department at an early date.

The Department is also directed to sensitise the PIOs and gear up the mechanism to deal with RTI Applications and first Appeals in all the establishments under the Department by issuing such directions and orders, and intimate action taken to the Commission within 10 working days from the date of issue of this decision.

Pronounced in open proceedings today.

Copies be given to the parties

Copy be given to

1. Commissioner & Secretary (Health & Family Welfare) Nagaland, Kohima.
2. Principal Director, Health & Family Welfare, Nagaland, Kohima.
3. The Director, Health, Nagaland, Kohima.
4. The Director, Family Welfare, Nagaland, Kohima.

Sd/-

P. TALITEMJEN AO, IAS (Rtd)
Chief information Commissioner,
Nagaland

Sd/-

REV.DR. W. PONGSING KONYAK,
State Information Commissioner,
Nagaland

Sd/-

DR. KUHOI K ZHIMOMI
State Information Commissioner,
Nagaland.

Authenticated by

(**ADINO**)

Sr. P.S. to Chief Information Commissioner,
Nagaland