

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

No. NIC/Compln-39/2009/547

Dated Kohima, the 16th December, 2009.

Complainant - **Shri. Vapurmu, Upper Agri-Forest Colony, Kohima, Nagaland.**

Respondant - **Department of Health & Family Welfare, Nagaland,**
Public Authority - **Kohima, Office of the Directorate of Health & Family Welfare, Nagaland, Kohima.**

Date of Hearing - **16.12.2009.**
Present - **Shri Vapurmu.**
Shri R.F. Lotha, PIO.

Facts

Shri Vapurmu, upper Agri Forest Colony, Kohima submitted a complaint under section 18 (c) of the RTI Act 2005 to the Commission on 4.12.2009 stating that he had submitted RTI application to the PIO of the Directorate Of Health & Family Welfare, Nagaland, Kohima on 16.6.2009, that the PIO had given incomplete and misleading information and he had appealed to the First Appellate Authority who had given decision for the PIO to furnish the information sought but that the information received from the PIO is again incomplete. He therefore complains to the Commission.

Shri Vapurmu had sought 4 items of information in his RTI application of 16.6.2009.

1. List of registered AYUSH practitioners in the State, location, registration fees with Treasury Challan No. and date.
2. Total budget sanctioned by the Central Ministry and State allocation to each ISM & H Centre under CHC and PHC.
3. Total budget sanctioned by the Central Ministry and State allocation to each Homoeopathy and Ayurvedic Centre under CHC & PHC.
4. Total budget sanctioned by the Central Ministry and State allocation to each Speciality Clinic.

Shri Vapurmu stated that the information given to him is incomplete as follows.

- (1) He was given list of 1997 AYUSH practitioners only where as there must be over 4000 registered AYUSH practitioners, as 2 cases having registration are not found included in the list given to him.

- (2) He had asked for the location for which the AYUSH Practitioners were registered and given license to practice as per Nagaland Homoeopathic Medicine Act, 1996 (Act 4 of 1997) published in the Nagaland Gazette Extraordinary on April 16, 1997, but the locations were not given to him. The PIO in his reply had informed that there are 2 categories – class A - Doctors; Class B – Licensed Practitioners

While he was informed that the State has issued Class ‘B’ Registrations, all are given the designation ‘**Doctors**’ in the list of 1997 AYUSH Practitioners given to him, which is misleading.

- (3) He had asked for the amount of registration fees, but even the Appellate Authority had decided that Department of Health & Family Welfare had nothing to do with registration fees.
- (4) He had ask for total fund allocated against – Each ISM and Health Centre
Each Specialty Clinic in the State.

Inspite of Appellate Authority direction that the informations should be furnished by the Programme Officer AYUSH through the PIO of the Directorate of Health & Family Welfare by September 15, 2009, the informations have not been received till date. Hence he has complained to the Commission.

The PIO Shri R.F. Lotha submitted that the informations stated by the Complainants as incomplete/not furnished, have not been given. He stated that the Programme Officer (AYUSH) had been requested in file within the 30 days prescribed period to provide the information sought to enable him to furnish the same to the Applicant, but not all the items of information sought were provided by the Programme Officer (AYUSH, even after the direction given in the decision of the Appellate Authority.

He informed that the registration fees were collected by the Registrar of the Board which is to be used for the expenditure of the Board as per guidelines. He stated that the location of practitioner is not fixed as registered **AYUSH** practitioners may practice anywhere in the State of Registration. He informed that AYUSH is a new process with them and the Departmental officials are not very conversant with the working system and hierarchy.

The Commission observed that not all items of information sought have been, even after the Appellate Authority had directed to furnish the information on or before 15 September, 2009.

The RTI Application was received on 16.6.2009 and information furnished by PIO on 24.6.2009 was incomplete.

The information due, have not been furnished till date of hearing on 16.12.2009. Hence there is a delay in furnishing complete information from 17.7.2009 (i.e. after the prescribed 30 days expired on 16.7.2009) to the date the complete information is furnished. Under Section 20 of the RTI Act 2005, a penalty of Rs. 250/- for each day of delay is imposeable, subject to maximum of Rs. 25,000/- on the PIO.

DECISION

The Commission direct the PIO to furnish the remaining information sought within 10 (ten) days from the date of pronouncement of this decision, free of cost, to the complainant, under intimation to the Commission.

The Commission direct the PIO Shri R.F. Lotha to show cause as to why he should not pay penalty at Rs. 250/- for each day of delay in furnishing the information sought, subject to maximum of Rs. 25,000.00, till the date the information is furnished, within 10 days from the date of pronouncement of the decision.

Pronounced in open proceedings today.

Copies be given to Parties.

Copy be given to

1. Commissioner & Secretary, Health & Family Welfare, Nagaland, Kohima.
2. Principal Director, Health & 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 me

Under Secretary
Nagaland Information Commission
Kohima