

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

No. NIC/Compln-39/2009/

Dated Kohima, the 3rd March, 2010.

- Complainant** - **Shri. Vapurumu, 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.**
Date of decision on - **3.3.2010**
Reply to the show cause
- Present** - **Shri Limsong, Secretary, Health & Family Welfare Department, Nagaland.**
Dr. Sekhose, Principal Director, Directorate of Health & Family Welfare, Kohima.
Dr. P. Savino, Deputy Director (AYUSH), Directorate of Health & Family Welfare, Kohima.
Shri R.F. Lotha, PIO and Additional Drug Controller, Directorate of Health & Family Welfare, Kohima.

The Commission in its decision on 16.12.2009 had directed Shri R.F. Lotha PIO to show cause as to why he should not pay penalty @ Rs. 250.00 for each day of delay in furnishing information sought subject to a maximum of Rs. 25,000/- for the period 17.7.2009 till the date the information is actually furnished, within 10 days from the date of pronouncement of the decision on 16.12.2009.

Shri R.F. Lotha did not show cause but in a letter dated 25.1.2010 informed the Commission that he could not furnish the information to the applicant till date (25.1.2010), inspite of the Commission direction to furnish the remaining information within 10 days from the date of pronouncement of decision on 16.12.2009, as the Programme Officer dealing with (AYUSH), Deputy Director "Team PIO" had not provided him the information.

Shri R.F.Lohta PIO was given another opportunity to show cause why he should not pay penalty under section 20 of the Act for delay in furnishing information sought. He submitted that the Programme Officer (AYUSH) Dr. P. Savino had provided him the Information on 1.2.2010 and on the same day he had informed the applicant about the same, who collected the same on 22.2.2010. Shri R.F. Lotha requested that he may kindly be exempted from the penalty imposition as he could not furnish the remaining information due to non receipt of the same from the Programme Officer (AYUSH), Deputy Director Dr. P. Savino.

The Commission observe that the First Appellate Authority in its decision dated 22.8.2009 directed that the remaining information should be furnished on or before 15.9.2009 by the Programme Officer (AYUSH), through the PIO, Directorate of Health & Family Welfare. Non furnishing of the information as directed had led to complaint to the Commission, which had directed the PIO to furnish the information within 10 days from 16.12.2009. The information is stated to be given on 1.2.2010. There has been a delay of 138 days i.e. w.e.f. 16.9.2009 to 31.1.2010. There is provision of sections 5 (4) (5) of the Act in so far as the Programme Officer (AYUSH), Deputy Director had not provided the information to enable the PIO to furnish the same to the applicant till 1.2.2010.

DECISION

Before proceeding further, the Commission therefore direct Dr. P. Savino, Deputy Director and Programme Officer (AYUSH) to show cause as to why he should not pay penalty under section 20 of the RTI Act 2005 at Rs. 250.00 subject to maximum of Rs. 25,000.00 for each day of delay for 138 days i.e. from 16.9.2009 to 31.1.2010, for failure to provide information to the PIO and thus contributed to the delay in giving information sought to the applicant, within 10 days from the date of pronouncement of this 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

Under Secretary
Nagaland Information Commission
Kohima