

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

No. NIC/Compln-39/2009/121

Dated Kohima, the 9th June, 2010.

- Complainant** - **Shri. Vapurmu, Upper Agri-Forest Colony, Kohima, Nagaland.**
- Respondent** - **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.**
- Dates of hearing of** **3.3.2010**
reply to the show cause **4.5.2010**
- Date of decision on** - **9.6.2010**
reply to the show cause
- Present** - (1) **Shri Menukhol John, Commissioner & Secretary, Health & Family Welfare Department, Nagaland.**
(2) **Dr. P. Savino, Deputy Director (AYUSH), Directorate of Health & Family Welfare, Kohima.**
(3) **Shri R.F. Lotha, PIO and Additional Drug Controller, Directorate of Health & Family Welfare, Kohima.**
(4) **Shri Vapurmu, Complainant.**

The Commission in its decision on 3.3.2010 had directed 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/- per each day of delay from 16.9.2009 to 31.1.2010 for failure to provide information to the PIO and thus contributed to the delay in furnishing information to the applicant, within 10 days of the pronouncement of the decision.

Dr. P. Savino on 11.3.2010 submitted in his letter that requisite information sought was given following the Appellate Authority direction on 14.9.2009. He stated that he was on leave from 11.12.2009 to 22.1.2010 for medical treatment (Medical Treatment Certificate was enclosed), that he received letter on 8.1.2010 and that on 28.1.2010 the Compilation was furnished for our information. He admitted that he failed to provide necessary information to the Commission as he was on Medical Treatment till 22.01.2010 and requested to exempt the payment of penalty.

The submissions of Dr. P. Savino contained in his letter of 11.3.2010 were not clear hence he was given opportunity to show cause in person on 4.5.2010, during which it was found that information in respect of 3 items of request by the applicant were still not complete – not furnished.

- (1) The list of registered AYUSH practitioners in the State which was furnished showed a total of 1997, where as the Applicant had stated that there must be more as he had copies of registration certificates bearing serial nos beyond 1997. Dr. P. Savino on 4.5.2010 had submitted that it had come to their notice earlier that there were some registration certificates which were not issued by the Board and that they had notified these to be fake.

The Commission had directed the PIO to produce these Notifications and the photocopy of the register of registration duly authenticated by the Principal Director within 10 days from 4.5.2010.

- (2) The amount of Registration fees collected was the information sought by the applicant. It had been made clear that the rules and regulations prescribing the fees and actual collection of prescribed fees are two different things, that while the Nagaland Homeopathic Board may prescribe the rate of fees, it is the registering authority which collect the prescribed fees during registration.

The Commission had directed the amount of registration fees to be furnished within 10 days from 4.5.2010.

- (3) The fund allocated against
Each ISM and Health Centre
Each Speciality Clinic in the State from the year 2003 – 2004 onwards was the information sought by the applicant.

The Commission had directed the information to be furnished within 10 days from 4.5.2010.

On 14.5.2010, the PIO Shri R.F. Lotha submitted to the Commission some information as provided by the AYUSH Programme officer, as follows.

- (1) A list of registered AYUSH Practitioners authenticated by the Principal Director along with a Photocopy of letter dated 23.5.2001 of Dr. P. Savino, Assistant Director Cum Registrar, Directorate of Health Services Nagaland addressed to the Registrar T.C. Medical Councils, Thiruvananthapuram informing that a certain certificate referred to him was fake. No copy of any notification has been produced.
- (2) The information disclosing amount of Registration fees have not been furnished.
- (3) A compilation of year wise sanction Report has been submitted..

The informations are to be furnished to the applicant in the form in which these are sought.

The Commission note that the precise information sought have not been furnished nor has been properly explained as to why some information have to be furnished in the manner and form in which these have been furnished. The PIO has already sought the assistance of the Programme Officer (AYUSH) under Section 5 (4)(5) of the RTI Act 2005 who is to provide the precise information to the PIO.

DECISION

The Commission direct that the remaining information as sought should be furnished by the PIO to the applicant in precise form within 10 (ten) days from the pronouncement of this decision and report compliance to the Commission within the 10 days, with intimation to the Commissioner and Secretary, Health and Family Welfare Department, Nagaland, Kohima.

This complaint will disposed off only after the Commission directive is complied with and confirmed to the Commission.

Pronounced in open proceedings today.

Copies be given to Parties.

Copy be sent 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