

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

No. NIC/Compln-40/2009/

Dated Kohima, the 16th December, 2009.

Complainant : **Shri Vimhaseo Richa C/o Kohima Law College, A.T.I Building Raj Bhavan Road, Kohima 797001.**

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 R.F. Lotha, PIO.**

Facts

The Commission received a complaint under section 18 (c) of the RTI Act 2005 from Shri Vimhaseo Richa C/o Kohima Law College on 8.12.2009 stating that he had submitted RTI application on 21.10.2009 addressed to the PIO, Directorate of Health & Family Welfare, Nagaland, Kohima seeking 4 items of information but the PIO has not given the information till date.

The PIO Shri R.F Lotha stated that the said RTI application was not given to him but the receipt signature dated 21.10.2009 on the photocopy of the application indicates that the same was received by the NRHM Section. He informed that the previous Officer dealing with NRHM who was the PIO, was no longer holding that post which does not exist, hence he as PIO of the whole Directorate is acting as PIO for NRHM. He was not aware that the RTI application was with the NRHM section till date.

The complainant was absent.

DECISION

The Commission note that the information sought have not been given. A photocopy of the RTI Application dated 21.10.2009, as received by the NRHM section, is given to the PIO Shri R.F. Lotha today by the Commission. The prescribed 30 days expired on 21.11.2009.

The Commission direct the PIO to furnish the information sought to the applicant, free of cost, within 10 days from the date of pronouncement of this decision.

There has been delay in furnishing the information since 22.11.2009. Under Section 20 of the RTI Act 2005, a penalty at the rate of Rs. 250/- for each day of delay is imposeable on the PIO, subject to a maximum of Rs. 25,000/- for delay in furnishing information without reasonable cause.

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 subject to maximum of Rs. 25,000.00, for delay in furnishing information w.e.f. 22.11.2009 till the date the information is given, within 10 days from the date of pronouncement of this decision.

Pronounced in open proceeding today.

Copies be given to the Parties.

Copy be given to

1. Commissioner & Secretary, Health & Family Welfare Department, Nagaland, Kohima.
2. Principal Director, Directorate of 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

Sr. Private Secretary to
Chief Information Commissioner,
Nagaland.