

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

No. NIC/Compln-40/2009/

Dated Kohima, the 3rd March, 2010.

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

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**
Date of decision on reply to show cause : **3.3.2010**
Present : **Shri R.F. Lotha, PIO.**
The Complainant is not present.

The Commission in its decision on 16.12.2009 had directed Shri R.F. Lotha, PIO, Directorate of Health and Family Welfare, Nagaland, Kohima to show cause as to why he should not pay penalty @ Rs. 250/- for each day of delay subject to maximum of Rs. 25,000.00, for delay in furnishing information sought w.e.f. 22.11.2009 till the date the information is actually furnished, within 10 days from the date of pronouncement of the decision on 16.12.2010.

The Commission had also directed the PIO to furnish the information sought to the applicant, free of cost, within 10 days from the date of pronouncement of the decision on 16.12.2009.

The Commission did not receive any reply to the show cause from Shri R.F. Lotha, PIO. Hence he was given another opportunity to show cause today.

During the hearing Shri R.F. Lotha submitted that the information sought have been furnished to the applicant on 22.12.2009. He stated that the RTI application dated 21.10.2009 was received by the NRHM section on 29.10.2009.

He submitted that the application was lying in the NRHM section till it came to his knowledge on the day of hearing on 16.12.2009. Thereafter the information sought was furnished to the applicant on 22.12.2009. He therefore requested that penalty may not be imposed on him.

The Commission observe that officials of the NRHM who are stated to have received the RTI application of 21.10.2009 on 29.10.2009 and had not furnished the

information have contributed to the delay in furnishing the information. There has been a delay of 23 days in furnishing the information w.e.f. 29.11.2009 to 21.12.2009.

DECISION

Before proceeding further the Commission therefore direct the officials of the NRHM who had received the RTI application of 21.10.2009 and who had failed/contributed to failure in furnishing the information within the prescribed 30 days and delayed, each to show cause as to why he/she should not pay penalty under section 20 of the Act, at Rs. 250.00 for each day of delay subject to maximum of Rs. 25,000.00, for delay in furnishing information w.e.f. 29.11.2009 till the date the information is given, within 10 days from the date of pronouncement of this decision. The Principal Director, Health and Family Welfare will identify the NRHM officials who are responsible for the delay who will show cause as directed.

Pronounced in open proceeding today.

Copies be given to the Parties.

Copy be given to

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