

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

No. NIC/Compln-40/2009/

Dated Kohima, the 9<sup>th</sup> June, 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**  
**9.6.2010**

**Present** : **1. Shri Menukhol John, Commissioner & Secretary, Health & Family Welfare, Nagaland, Kohima.**  
**2. Shri T. Limsong , IAS, Mission Director & Secretary (H&FW), State Health Society National Rural Health Mission, Directorate of Health & Family Welfare, Nagaland, Kohima**  
**3. Shri R.F. Lotha, PIO and Additional Drug Controller, Directorate of Health & Family Welfare, Nagaland, Kohima.**

**Complainant - is not present.**

The Commission in its decision on 3.3.2010 had directed the officials of the NRHM who had received the RTI Application of 21.10.2009 and had contributed to failure in furnishing the information sought 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, for delay in furnishing information w.e.f. 29.11.2009 till information is given, within 10 days from 3.3.2010. The Principal Director Health & Family Welfare was directed to identify the NRHM officials responsible for the delay.

A copy of the letter of Shri T. Limsong IAS, Mission Director & Secretary Health and Family Welfare dated 15.3. 2010(addressed to Chief Information Officer, Kohima, not received in the Commission till date) was given by Shri R.F. Lotha PIO of the Directorate of Health & Family Welfare on 4.5.2010. In the letter it was stated that the Office Peon Book of NRHM showed that the RTI application was received on 29.10.2009 by the Assistant of NRHM, but due to transfer of APIO the matter was not attended to in time for which the NRHM expressed deep regret. It was stated that on

receipt of show cause notice in Commission decision of 16.12.2009 the information sought was handed over to the applicant on 18.12.2009.

The Commission observe that the RTI Application of 21.10.2009 received in the NRHM office on 29.10.2009 was not attended to in the manner and time schedule as required under the provisions of the RTI Act 2005. The PIO Shri R.F. Lotha submitted during the hearing on 16.12.2009, that the RTI Application received on 29.10.2009 was lying in the NRHM Section came to his knowledge on 16.12.2009. He also stated that the information sought was furnished to the applicant on 22.12.2009. The statement of PIO Shri R.F. Lotha and the letter of Shri T. Limsong are contradictory about date of furnishing the information to the applicant.

The Commission note that the submission that the delay was caused due to transfer of APIO in the NRHM is not a reasonable cause. It indicates that the offices/sections in the Directorate of Health & Family Welfare have not been sensitized nor the mechanism properly geared up to deal with RTI applications.

The RTI application having been received in the office (NRHM) on 29.10.2009, the period of 30 days prescribed expired on 28.11.2009. Only after receiving the Commission notice of 9.12.2009 fixing hearing on 16.12.2009, the application was brought to the knowledge of the PIO. There has been delay in furnishing the information sought from 29.11.2009 till the same was furnished to the applicant.

## **DECISION**

The Commission find that the reasons given by the Department for the delay are not convincing. However a lenient view is taken in this case and no penalty is imposed on any of the officials.

The Commission direct the Commissioner and Secretary to issue clear written directive to all offices and establishment under the Department of health & Family Welfare, Nagaland to sensitise all officials and gear up the mechanism to deal with RTI applications within 10 days from the date of pronouncement of this decision, under intimation to the Commission. Confirmation of compliance of the directive issued by the Commissioner and Secretary Health & Family Welfare, should be intimated to the Commission by the Principal Director, Health & Family Welfare Nagaland within I (one) month from the date of issue of directive by the Commissioner and Secretary Health & Family Welfare, Nagaland.

Pronounced in open proceeding today.

Copies be given to the Parties.

Copy be sent 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