

NAGALAND INFORMATION COMMISSION

Below Raj Bhavan, Officers' Hill Colony

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No.NIC/Appeal-9/2016-17

Dated Kohima, the 20th March, 2018.

Appellant : Shri. S. Lepzung Jamir,
Managing Director (NESMS) and Social Activist,
Tuli, Mokokchung,
Nagaland,
Mobile No. 8413946471,
email: nesmstuli@gmail.com

Respondents : 1) The Principal Director & FAA,
Health and Family Welfare,
Nagaland, Kohima.

2) Dr. Yankho Lotha,
Mission Director & PIO,
National Health Mission,
Directorate of Health and Family Welfare,
Nagaland, Kohima.

Public Authority : Directorate of Health and Family Welfare, Nagaland, Kohima.

Date of first Hearing : 08.09.2016 at 12:00 P.M

Date of first Decision : 26.09.2016.

Date of second hearing : 13.03.2018 at 12:00 PM.

Date of second Decision : 20.03.2018.

Present:

1. Dr. Yankho Lotha, (Retd) Former Mission Director & PIO, National Health Mission, Health and Family Welfare, Nagaland, Kohima, Mobile No. 9436432438.
2. Dr. Thangoi Lam, SPO & PIO, State Health Society, National Health Mission, Health and Family Welfare, Nagaland, Kohima, Mobile No. 9436652364.

The following did not appear for the hearing.

1. The Principal Director & FAA, Health and Family Welfare, Nagaland, Kohima.
2. The applicant (now appellant), Shri. S. Lepzung Jamir, Managing Director (NESMS) and Social Activist, Tuli, Mokokchung, Nagaland, Mobile No. 8413946471, email: nesmstuli@gmail.com

FACT OF THE CASE

The Commission had, after hearing the appeal on 08.09.2016 at 12:00 P.M, passed its decision of even No. dated 26.09.2016. And in compliance to the decision of the Commission dated 26.09.2016, the Mission Director & PIO, National Health Mission (NHM), Nagaland, Kohima had, vide letter No. NHM/NL/15-37/2015-16 (Part- C)/9946 dated 06.10.2016 furnished the information to the applicant (now appellant)

On not getting any confirmation from the applicant (now appellant) regarding his satisfaction or non-satisfaction with the information furnished to him by the Mission Director & PIO, NRHM, the Commission had, vide directive of even No. dated **23.05.2017** directed the Mission Director & PIO, NRHM, to confirm satisfaction or non-satisfaction from the applicant (now appellant) within twenty (20) days and accordingly inform the Commission for further necessary action.

However, on not getting any response to its directive dated 23.05.2017, the Commission had, vide letter of even No. dated **28.08.2017** reminded the Mission Director & PIO to confirm satisfaction or non-satisfaction of the information furnished to the applicant (now appellant) within three (3) weeks from the date of receipt of its directive. And in compliance to the above directive and subsequent reminder, Dr. Thanghoi Lam, SPO & PIO, State Health Society, National Health Mission, Nagaland had, vide letter No. NRHM/NL-15/7/Part-C/2015-16/0670 dated **10.08.2017** wrote to the applicant (now appellant) to confirm satisfaction or non-satisfaction of the information so furnished to him within 10 (ten) days.

Further still, on not getting any confirmation of satisfaction or non-satisfaction from the applicant (now appellant), the Commission had, vide letter of even No. dated **21.11.2017** reminded the PIO to obtain confirmation from the applicant (now appellant) within 2 (two) weeks. And in compliance to the above directive of even No. dated 21.11.2017, the PIO had, vide letter No. NRHM/NL-15/7/Part-C/2015-16/2063 dated **27.11.2017** wrote '**Final Notice**' to the applicant (now appellant) to confirm satisfaction and in the event of non-response within the stipulated time, it would be presumed as satisfied.

Since there was no compliance from the applicant (now appellant) till date inspite of several directives and reminders and to ascertain the delay in furnishing the information to the applicant (now appellant), the Commission had decided to hear the appeal again giving opportunity of being heard to all parties on **13th March, 2018 (Tuesday) at 12:00 P.M in the Hearing Room of Nagaland Information Commission, Below Raj Bhavan, Officers' Hill Colony, Nagaland, Kohima.**

OBSERVATIONS AND FINDINGS

The applicant (now appellant), Shri. S. Lepzung Jamir and the Principal Director & FAA, Health and Family Welfare, Nagaland, Kohima did not appear for the hearing.

The Commission observed that the RTI application dated 15.04.2016 was received on 15.04.2016 and the information first furnished on **17.06.2016** which was only after the first appeal dated 16.06.2016 was received. During the last hearing on 08.09.2016, since the applicant was not satisfied with the information, the PIO was directed to furnish the remaining satisfactory information to the applicant (now appellant), and which the PIO had accordingly furnished the requisite information on **06.10.2016**. And though the PIO, National Health Mission had written to the applicant (now appellant) on 10.08.2017 and Final Notice dated 27.11.2017 to confirm satisfaction of the information so furnished to him, there was no response from the applicant (now appellant) at all till date.

Further, the Commission observed that since sufficient opportunity and time was given to the applicant (now appellant), there was no response from the applicant (now appellant) suggesting that he was satisfied with the information and had no interest to pursue his appeal further. Hence, no further confirmation was required from the applicant (now appellant).

The Commission also observed that from the date of receipt of the RTI application dated 15.04.2016 on 15.04.2016 to the date of furnishing of the information to the applicant (now appellant) on 17.06.2016, the number of days was 63 days. However, considering the 30 days for the PIO to furnish the information, the number of days of delay becomes $63 - 30 = 33$ days for which penalty was attracted.

Dr. Yankho Lotha informed that he had already been retired from government service in November, 2016 and had thought that the case had been closed since there was complete silence on the case. He submitted that the RTI application pertained during his time when he was the PIO, however due to heavy works, he had overlooked the RTI and hence the delay.

DECISION

On the above observations and findings, the Commission decided that:-

1. Since there was no response from the applicant (now appellant) inspite of sufficient time and opportunity given by the PIO to confirm satisfaction or non-satisfaction of the information, no further confirmation was required and as per the Final Notice dated 27.11.2017 given by the PIO, National Health Mission, the applicant (now appellant) was presumed to be satisfied.

2. Under Section 20 (1) of the RTI Act 2005, penalty at the rate of Rs. 250/- per day of delay for the total delay of thirty three (33) days, amounting to **Rs. 8,250/-** (Rupees eight thousand two hundred and fifty only) is imposed on Dr. Yankho Lotha, (Retd) Former Mission Director & PIO, National Health Mission, for his failure to furnish the information to the applicant (appellant) within the prescribed period of 30 days without reasonable cause.

The above penalty amount shall be paid within **fifteen (15) days** from the date of receipt of this decision. The penalty amount shall be deposited into the Government account through **treasury challan** in favour of the Consultant (Accounts), Nagaland Information Commission, Kohima under the Head of Account given below, with a copy to this Commission:-

0070 - Other Administrative Services
60 - Other Services
118 – Receipts under RTI Act, 2005

On receipt of the above compliance, the case shall be declared as closed.

Decision pronounced in presence of only the respondents on 13.03.2018.

Copy be given to:-

1. The Principal Director & FAA, Health and Family Welfare, Nagaland, Kohima.
2. Dr. Yankho Lotha, (Retd) Former Mission Director & PIO, National Health Mission, Health and Family Welfare, Nagaland, Kohima, Mobile No. 9436432438.
3. Dr. Thangoi Lam, SPO & PIO, State Health Society, National Health Mission, Health and Family Welfare, Nagaland, Kohima, Mobile No. 9436652364.
3. The applicant (now appellant), Shri. S. Lepzung Jamir, Managing Director (NESMS) and Social Activist, Tuli, Mokokchung, Nagaland, Mobile No. 8413946471, email: nesmstuli@gmail.com
4. The Consultant (Account), Nagaland Information Commission for information.
5. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
6. Office Copy.

Sd/-

CHANBEMO LOTHIA
Chief Information Commissioner

Sd/-

G. H. RAMLIA
State Information Commissioner

Sd/-

KEVIZATUO MIACHIEO
State Information Commissioner

Authenticated true copy:-

(WORHONTHUNG EZUNG)
Secretary