

**OFFICE OF THE
ASSAM STATE INFORMATION COMMISSION
JONAKKEE COMPLEX, PANJABARI, GUWAHATI-781 037**

Case No. : KP (M).614/2013
Complainant/ Appellant : Sri Dulal Bora
Respondent : The SPIO, O/o the Health & Family Welfare Department,
Dispur
Date of hearing : 22.12.2015
Complaint/ Second Appeal Heard by : Shri H.S Das, IAS (Retd),
Chief Information Commissioner, Assam

O R D E R
22.12.2015

The petitioner/ Second Appeal petitioner Sri Dulal Bora is absent without information.

The public authority is represented by Sri. Mrigesh Narayan Barua, ACS, Deputy Secretary, Health & Family Welfare Department, Govt. of Assam, Dispur.

The Second Appeal petition dated 17.10.2013 is taken up for consideration ex-parte in the absence of the petitioner.

From the perusal of the case records, it is seen that the petitioner Sri. Dulal Bora filed the RTI petition dated 10.07.2013 before the Commissioner, Health & Family Welfare Department, Govt. of Assam followed by the First Appeal Petition dated 29.08.2013 also before the Commissioner, Health & Family Welfare Department, Govt. of Assam.

Not getting any response to his RTI petition as well as his First Appeal Petition, he filed the Second Appeal Petition dated 17.10.2013 before this Commission.

By his RTI petition, the petitioner wanted to know whether i) the hospitals without blood banks can perform surgical operations, ii) action taken against the persons/officials found responsible for the incident in Mangaldai and iii) seek the details of private blood banks in Assam.

The Commission observes that the second question is not specific as it has not mentioned in details about the Mangaldai incident referred to.

The SPIO of Health & Family Welfare Department, Govt. of Assam present today stated that this may be with reference to the incident that took place in Mangaldai Civil Hospital where some patients who were operated upon, later contacted AIDS Virus.

This Commission is of the view that the matter is of great public importance.

The public authority i.e. the Commissioner and Secretary, Health & Family Welfare Department does not appear to have heard and disposed of the First Appeal petition although the information sought for by the petitioner is admissible under the RTI Act, 2005.

The Commission, therefore remands the matter to the present First Appellate Authority of Health & Family Welfare Department, to dispose of the First Appeal Petition by giving a hearing to the petitioner as well as the concerned officials of the department and dispose of the First Appeal petition with a speaking order within 30 days from the date of receipt of this order.

With the above order, the Second Appeal petition is disposed of.

**Sd/-
(H.S Das)
Assam State Chief Information Commissioner,
Panjabari, Guwahati**

Authenticated true copy.

**Sd/-
Secretary & Registrar
Assam State Information Commission**

Copy to:

1. The First Appellate Authority/ The Commissioner and Secretary, Health & Family Welfare Department, Govt. of Assam, Dispur, Guwahati- 781006 for information and necessary action.
2. The SPIO in the office of the Health & Family Welfare Department, Govt. of Assam, Dispur, Guwahati-781006 for information and necessary action.
3. Sri. Dulal Bora, Kainadhara Tiniali, House no. 118, Khanapara, Guwahati, Dist- Kamrup (M), Assam, Pin- 781022 for information.
4. Computer Section for uploading in the Website.
5. Office File.

Secretary & Registrar
Assam State Information Commission