



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

Case No. : SIC/NGN.43/2013
Appellant : Sri. Narendra Prakash Chouhan
Respondent : The SPIO, O/o the Joint Director of Health Services (JDHS), Nagaon, Assam
Date of hearing : 22.01.2016
Second Appeal heard by : Shri Pinuel Basumatary
State Information Commissioner, Assam

O R D E R

22.01.2016

Dr. B.R. Gogoi, SDM & HO, (HQ), Kaliabor, Nagaon present as depute of Joint Director, Health Services, Nagaon. However, a Written Statement dated 20.01.2016 from Joint Director, Health Services, Nagaon received.

The Appellant present.

The Appellant has submitted that he had not received the information he had sought for through his RTI Application dated 03.04.2013.

Perusal of case records indicate that the Appellant had submitted the First Appeal dated 20.05.2013 to the Joint Director of Health Services, Nagaon. The Appellant submitted the Second Appeal dated 10.07.2013 to the Commission after not receiving any response from the SPIO and the First Appellate Authority (FAA).

Perused the letter addressed to the Commission by the JDHS, Nagaon dated 20.01.2016. It is seen that the letter is not in the format of W/S appropriate to the notice of the Commission dated 08.01.2016.

The SPIO has not provided the detailed information sought by the Commission relating to the actual date of receipt of the RTI application, action taken to furnish the information sought for and also not explained as to why penalty shall not be imposed on him/her Under Section 20 (1) of the RTI Act, 2005 for his/her failure to furnish the information to the Applicant within the stipulated period of 30 days.

The JDHS, Nagaon in the capacity of FAA has not apprised the Commission on the action he may have taken to disposed of the aforementioned First Appeal. The aforementioned letter dated 20.01.2016 merely list the documents which can now be provided to the RTI Applicant by way of information sought for by him.

From the above, it is evident that the RTI Application has not been dealt with seriousness and timeliness required to furnish the information to the Applicant. It is indicative of indifference and ignorance about the provisions of the RTI Act, 2005.

In view of the facts brought out above, the Commission hereby orders that the information sought for by the Applicant/Appellant shall be provided to him by the SPIO in the office of the JDHS, Nagaon immediately but not later than 10 days from the receipt of this order, free of cost.

The Commission also hereby orders that a detailed explanation shall be submitted by the SPIO to the Commission within 15 days of receipt of this order as to why penalty shall not be imposed on him/her Under Section 20 (1) of the RTI Act, 2005 for

his/her failure to furnish the information to the Applicant within the stipulated period of 30 days, mentioning inter alia the incumbents in the position of the SPIO from the date of receipt of the RTI Application. Further, already stated, there is no evidence of the RTI Application of having being attended for furnishing the information sought for within the 30 days as stipulated by the said Act. The SPIO shall also submit, within 15 days of receipt of this order, an explanation to the Commission as to why disciplinary action against him may not be recommended under Service Rule applicable to him as provided for by Section 20 (2).

It is also seen that the JDHS, Nagaon has failed to dispose of the aforementioned First Appeal dated 20.05.2013 in the capacity of FAA, within 30 days as mandated by the said Act. The Commission hereby orders that FAA shall consider and dispose of, with a speaking order, the said First Appeal, within a period of 21 days of receipt of this order.

Another date of hearing shall be fixed depending on the response of the SPIO and FAA to these orders.

Sd/-
Pinuel Basumatary
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Sd/-
Dy. Secretary & Dy. Registrar
Assam State Information Commission

Memo No. SIC/NGN.43/2013 -A

Dtd.22.01.2016

Copy to:

1. The SPIO, Office of the Joint Director, Health Services, Nagaon, Dist- Nagaon, Assam, Pin- 782001 for information and necessary action.
2. The First Appellate Authority/Joint Director, Health Services, Nagaon, Dist- Nagaon, Assam, Pin- 782001 for information and necessary action.
3. Sri Narendra Prakash Chauhan, Vill- Majarati, P.O.- Majarati, Dist- Nagaon, Assam, Pin- 782002 for information.
4. Computer Section for uploading in the Website.
5. Office File.

Dy. Secretary & Dy. Registrar
Assam State Information Commission

