

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

Case No. : KP(M).504/2014
Complainant/ Appellant : Shri Pradip Kalita
Respondent : Director of Health Services, Govt. of Assam
Date of hearing : 18.6.2016
Complaint/ Second : Shri H.S. Das, IAS (Retd)
Appeal heard by : Chief Information Commissioner, Assam

O R D E R

18.6.2016

The petitioner Shri Pradip Kalita is absent. However, he has sent a written request to allow Shri Dhiren Baishya, Joint Secretary of Assam Krishak Shramik Unnayan Parishad to represent his case before this Commission. His prayer is granted. The Public Authority is represented by (1) Dr. N. Lalsin, Addl. Director of Health Services (Hills) of the Directorate of DHS, Assam, (2) Shri Dwijendra Baishya, Sr. Assistant, and (3) Shri Bijoy Sarma, Jr. Assistant of the said Directorate.

From perusal of the case records it is seen that the petitioner filed an RTI petition dtd 20.5.14 before the SPIO of the Directorate of Health Services, Govt. of Assam seeking detailed information on procurement of medicines, names and addresses of suppliers, details of supply orders, photocopies of licences of the supplier firms, photocopies of bills submitted by the suppliers with copies of vouchers and photocopies of NIT along with photocopies of advertisements covering the period from 2011 to 2014. The petitioner has also sought information for the same period about the funds received by the Directorate from the Central Government and the State Government against various schemes along with the names of districts and locations where the schemes were implemented.

It transpired during the hearing that the information was not furnished by the SPIO to the petitioner. Nor did the Directorate of Health Services disclose the admissible information suo moto through internet or any other means, which is required to be done mandatorily u/s 4 of the RTI Act, 2005. This Commission also observes that the information sought for by the petitioner is voluminous and is likely to disproportionately divert the resources of the Directorate of Health Services if it has to compile the same and furnish to the petitioner.

In view of the above, this Commission directs the Director of Health Services, Govt. of Assam to allow the petitioner to inspect the relevant records and documents pertaining to his Directorate during office hours on any working day within 15 days from the date of receipt of this order and also allow the petitioner to take notes and photocopies of relevant documents free of cost up to 50 copies and thereafter on payment of Rs. 2.00 for every additional page of photocopy.

This Commission records that vide letter dtd 15.6.16 the Deputy Director of Health Services (G) had already requested the petitioner to inspect the records and documents in his office.

Regarding information which are not held by the Director of Health Services, this Commission directs the DHS to advise the petitioner the appropriate Public Authority to whom he should address his RTI petition.

The Directorate of Health Services is further directed to take immediate action to comply with section 4 of the RTI Act, 2005 and take steps for suo moto disclosure of all admissible information, which is statutorily required under section 4 of the RTI Act, within 90 days from the date of receipt of this order.

Send copy of this order to the Addl. Chief Secretary, Health & Family Welfare Department, Govt. of Assam for taking immediate action to issue necessary instructions to all Public Authorities under his administrative jurisdiction for compliance with the provisions of Section 4 and Section 5(1) & 5(2) of the RTI Act, 2005 within 90 days from the date of receipt of this order.

With the above order, the second Appeal petition dtd 30.7.14 is disposed of.

Sd/-

(H. S. Das)

Chief Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Sd/-

Registrar

Assam Information Commission

Memo No. SIC/ KP(M).504/2014/9-A

Dtd. 18.6.2016

Copy to:

1. The Addl. Chief Secretary to the Govt. of Assam, Health & Family Welfare Department, Dispur, Guwahati-6 for information and necessary action.
2. The Director of Health Services, Govt. of Assam, Hengrabari, Guwahati-6 for information and necessary action.
3. Shri Pradip Kalita, Lakhiminagar Tiniali, Hatigaon Road, Lord Enclave, Guwahati-38 for information.
4. Computer Section for uploading in the Website.
5. Office File.
6. Order Book.

Registrar

Assam Information Commission