



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

Case No. : SIC/GLT.54/2016  
Complainant : Shri Hemanta Kumar Mahanta  
Respondent : The SPIO, O/o the Joint Director of Health Services, Golaghat  
Date of hearing : 18.07.2016  
Complaint heard by : Shri Pinuel Basumatary,  
State Information Commissioner, Assam

**O R D E R**  
18.07.2016

The Complainant present.

The Public Authority is represented by Dr. Rajeeb Kumar Sharma, SPIO/Addl. Director of Health Services, Assam with a assistant.

Perused the case record. It is seen that the Complainant had filed his Complaint dated 26.09.2015 after he failed to receive the information he had sought for from the SPIO, office of the JDHS, Golaghat and response to his First Appeal dated 16.08.2015. It is also seen that the SPIO, office of the JDHS, Golaghat had directed – 1) Registrar of Births and Deaths, Urban Health Office, Golaghat, and 2) Superintendent, K.K. Civil Hospital, Golaghat through a letter dated 04.09.2015 to provide the information to the Applicant, within 7 days.

Heard the SPIO. He submitted that the First Appeal dated 16.08.2015 was transferred to the First Appellate Authority/Joint Director of Health Services, Golaghat.

Heard the Complainant. He submitted that he has received the information from the SPIO, office of the JDHS, Golaghat through a letter dated 03.10.2015 in which the Superintendent of the said Civil Hospital informed in respect of the Hospital with a copy of the Birth Register containing the entries of 3<sup>rd</sup> September, 1988 that the information could not be provided owing to non-availability of the Register of the said year in the hospital. He is aggrieved at the information that an important public record such as Births Register was not available.

In view of the facts brought out above, the Commission makes the following observations –

1. The SPIO, office of the JDHS, Golaghat failed to provide the information within the stipulated period of 30 days in terms of the RTI Act, 2005. Records indicate that it took the SPIO nearly 2 (two) months to seek the information from the deemed SPIOs; and
2. The Complainant has been provided the information as available that the authorities who hold or are required to hold pertaining to record of births in this case. The serious issue of non-availability of the concerned record in respect of K.K. Civil Hospital, Golaghat requires investigation and fixing of responsibility for failure to comply with the appropriate laws relating to maintenance and management of public records such as the Public Records Act, 1993 (No. 69 of 1993). The information having been provided as available in terms of the Act, it is now for the Applicant/Complainant to take up the matter of missing record of births of 3<sup>rd</sup> September, 1988 in the said Civil Hospital with the appropriate departmental authorities. It is also incumbent on the appropriate authorities particularly the Joint Director of Health Services to take appropriate action

to ascertain the facts of non-availability of an important record such as Register of Births in K.K. Civil Hospital.

The SPIO, office of the Director of Health Services, Assam may also like to initiate action on the issue of non-availability of record in K.K. Civil Hospital.

With this, the Complaint case is disposed of.

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

Authenticated true copy.  
Sd/-  
Deputy Registrar  
Assam Information Commission

Memo No. SIC/ GLT.54/2016/ 16 -A

Dtd. 18.07.2016

Copy to:

1. The SPIO, office of the Joint Director of Health Services, Golaghat, Dist- Golaghat, Assam for information.
2. The First Appellate Authority/Joint Director of Health Services, Goalpara, Dist- Goalpara, Assam for information and necessary action.
3. The Director of Health Services, Assam, Hengrabari, Guwahati- 781036 for information and necessary action.
4. Shri Hemanta Kumar Mahanta, S/o- Shri Ghana Kanta Mahanta, R/o- Pavojan, P.O.- Barpathar, Dist- Golaghat, Assam, Pin- 785602 for information.
5. Computer Section for uploading in the Website.
6. Office File.

Deputy Registrar  
Assam Information Commission