

Case No. : **KP(M).66/ 2015**
Complainant/ Appellant : **Sri Jugal Kishore Chopra**
Respondent : **Director , Health Services, Assam.**
Date of Hearing : **6-2-2017**
Complaint/ Second : **Shri H. S. Das, IAS (Retd)**
appeal heard by : **State Chief Information Commissioner, Assam**

O R D E R
6-2-2017

The petitioner Sri Jugal Kishore Chopra is present, accompanied by his son Sri Rajesh Chopra. The public authority is represented by :- (1) Dr. Rajeeb Kumar Sharma, Additional Director of Health Service, (2) Sri Sanju Deori, Jr. Assistant of the office of DHS, (3) Sri Balen Kakati , Statistician and (4) Sri Bijoy Sarma, Jr. Asstt. of the same office.

The second appeal petition dated 28-3-2016 is taken up for hearing in pursuance of this Commission's previous order dated 28-12-2016

From perusal of the case records it is seen that the petitioner filed an RTI petition dated 25-3-2015 before the Public Information Officer of the Department of Health and Family Welfare, Govt. of Assam. The RTI petition was transferred by the SPIO and Deputy Secretary of Health & Family Welfare Department to the Director of Health Services, Assam vide letter dated 6th May, 2015. Vide letter dated 4th March, 2016 addressed to the petitioner by Addl. Director of Health Services, copy of a letter dated 1-3-2016 received by him from the Statistician, Purchase Board section of the Director of Health Services, was also enclosed.

It is mentioned in that letter dated 1-3-2016 that the sought for information regarding Vigilance Case could not be traced out , although efforts were still being made to search for the records.

As regards point No.-2 of the RTI petition no information was furnished stating that the information relates to the Establishment Branch and regarding the third set of information it was mentioned that the sought for information will be furnished after the concerned files are retrieved.

The Additional Director of Health Services present today produced a copy of legal opinion dated 3-2-2017 furnished by Sri Debajit Saikia, learned Additional Sr.. Advocate General, Govt. of Assam. The learned Sr. Addl. Advocate General, Govt. of Assam opined that the Directorate may refrain from disclosing the sought for information under Section 8(1)(h) of the RTI Act, 2005 , as it may impede the ongoing investigation being done by the Chief Minister's Vigilance Cell or apprehension of prosecution of the offenders.

In response to a query from this Commission the Addl. Director, Health Services submitted that he would have to verify the present status of the investigation – whether it is still going on or investigation has been completed and the matter has been

taken to Court. He prayed for 30 days' time to ascertain this position. This Commission grants him time prayed for and directs him to file a written submission within thirty (30) days to that effect.

As regards point No. 2 and 3 of the RTI petition dated 25-3-2015 this Commission observed that the information sought for relates to the period 1988-1993 i.e more than 20 years prior to the date of filing the RTI petition i.e., 25-3-2015. In this connection, the Commission referred to Section 8(3) of the RTI Act, 2005, stipulating a backward time limit of 20 years.

The Addl. DHS who was present today , however, submitted that they have the information available with them as regards point No. 2 of the RTI petition. This Commission , therefore, directs the Addl. Director of Health Services to furnish the information to the petitioner in respect of point No. 2 of the RTI petition as available with them within a period of 15 days from the date of receipt of this order.

As regards point No. 3 of the RTI petition the Addl. Director of Health Services submitted that the information sought for being 24-29 years' old , they are not available . However he has prayed for forty five (45) days' time to search for it , if necessary in consultation with ASIDC Ltd. , retrieve the same to the extent possible and furnish it to the petitioner. This Commission grants him the time of 45 days as prayed for, with the direction that all out efforts be made to retrieve the information from the office of the Director of Health Services and or the office of the ASIDC Ltd., or from the office of the concerned Joint Director of Health Services in different districts and furnish the same to the petitioner, to the extent possible, within the stipulated time..

Fix **11th April, 2017 at 12 Noon** for further hearing .

Sd/-

(H. S. Das)

**State Chief Information Commissioner,
Assam**

Authenticated true copy

Sd/-

Registrar

Assam Information Commission

Memo No SIC/ KP(M) 66/ 2015 /37 -A

Dated 6-2-2017

Copy to:

- 1) Dr. Rajeeb Kumar Sharma, Additional Director of Health Service, Hengrabari, Guwahati-6 for information and necessary action, as ordered above.
- 2) Sri Jugal Kishore Chopra , S/O Late B. D. Chopra, House No-113, P.O-Chaliha Road, Silpukhuri, Guwahati-3 for information.
- 3) Computer Section for uploading in the Website.
- 4) Office file.
- 5) Order Book.

Registrar

Assam Information Commission