

**OFFICE OF THE
ASSAM INFORMATION COMMISSION****JONAKEE COMPLEX, SHILPGRAM ROAD, PANJABARI, GUWAHATI- 781037**Phone : (0361) 2332704, 2337900, 2331193 :: Fax : 2332704 :: email : secretary.sicassam@gmail.com

Case No. : **KP(M).791/2017**
Complainant/ Appellant : **Dr. Ankuran Dutta**
Respondent : **Assam Council for Medical Registration.**
Date of Hearing : **15-11-2017**
Complaint/ Second : **Shri H. S. Das, IAS (Retd)**
appeal heard by : **State Chief Information Commissioner, Assam**

O R D E R
15-11-2017

1. The appellant/petitioner Dr. Ankuran Dutta is present. The public authority is represented by Dr. B. P. Chakravorty, Registrar of Assam Council of Medical Registration (ACMR), accompanied by Sri Prakash Rajbongshi, Assistant of the same office.
2. The petitioner Dr. Ankuran Dutta made a written submission stating that he is still interested in getting the informations sought for by him vide his RTI petition dated 16-8-2016 and prayed for conversion of his complaint petition dated 12-7-2017 into a second appeal petition. His prayer is granted and accordingly the second appeal petition dated 12-7-2017 is taken up for hearing in presence of both the parties.
3. The petitioner stated that he has received a communication dated 23rd October, 2017 from the Registrar of Assam Council of Medical Registration giving him partial informations. He pointed out that although he sought informations for the period from 1-1-2006 to 15-8-2016, informations have been furnished to him only from 2-12-2012. No information have been furnished for the period from 1-1-2006 till 1-12-2012.
4. In respect of pont No. 2 & 3 of the RTI petition the Registrar of ACMR mentioned that no information is available.
5. The Registrar of ACMR submitted before this Commission that he has been functioning as Registrar of ACMR for more than last one year. The information that he has furnished to the petitioner vide his letter dated 23rd October, 2017 has been compiled after searching the available records in the ACMR office.
6. When he took over, the records in ACMR were not properly maintained and catalogued . Therefore, he has not been able to find out any chronological register or record from which complete informations as sought for by the petitioner could be furnished. Informations furnished by him to the petitioner vide letter dated 23-10-2017 has been compiled from records that he could retrieve from different files of his office. The Registrar further submitted that he will have to take up the matter with his predecessors and explore, if they could help him in retrieving the past records

and enable him to give satisfactory informations to the petitioner Sri A. Dutta. He also submitted that the petitioner may come for inspection of all records of ACMR.

7. The Registrar also submitted that quite often members of the public lodge complaints against doctors for medical negligence etc. directly to the Govt. in the Health Department or to the District authorities or to the Deputy Commissioners or Police. Those cases are normally dealt with by the Health Department as a departmental inquiry or departmental proceedings case. Police can take cognizance of complaints of medical negligence under 304 (A) of Indian Penal Code, 1860. Unless the complainants and or the Govt. in the Health Department or the Police or Deputy Commissioners refer such complaints to the Assam Council of Medical Research , the Council remains in the dark and cannot take anyt action, as stated by the Registrar of ACMR.
8. In view of the above the Registrar of Assam Council for Medical Registration is directed to make all necessary efforts to retrieve the records for the missing period from 1-1-2006 to 1-12-2012 by taking the matter up with his predecessors or by resorting to any other means that may be fruitful. He is directed to let the petitioner know of its outcome within 45 days from the date of receipt of this order, which was pronounced in presence of both the parties. The Registrar of ACMR is further directed to allow the petitioner to inspect all relevant records in his office during office hours on any working day after giving at least 3 days' advance notice within 45 days from the date of this order which was pronounced in presence of both the parties.
9. Meanwhile, the petitioner may take up with the State Govt. in the Health Department about actions taken by them on complaints received by the Govt. or the District authorities or the police from the members of the public against medical negligence by Doctors, para-medical staff or by hospital authorities.
10. Fix **1.00 P.M on 17-1-2018** for review of actions taken.

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

Authenticated true copy
Sd/-
Registrar
Assam Information Commission

Copy to:-

- 1) Principal Secretary to the Govt. of Assam, Health & F.W 'B' Department, Govt. of Assam, Dispur, Guwahati -6 for information and necessary action , as ordered above.
- 2) Commissioner & Secretary to the Govt. of Assam, Health & F.W 'A' Department Dispur, Guwahati-6 for information and necessary action, as ordered above.
- 3) Dr. B. P. Chakravorty, Registrar of Assam Council of Medical Registration, Guwahati for information and necessary action as ordered above.
- 4) Dr. Ankuran Dutta, Department of Communication and Journalism, Gauhati University, Guwahati -14 for information and necessary action as ordered above..
- 5) Computer Section for uploading in the Website.
- 5) Office file.
- 6) Order Book.

Registrar
Assam Information Commission.