

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

Case No. : SIC/KP(M).1231/2017
Appellant : Shri Chinmoy Chakravarty
Respondent : The SPIO, O/o the Health & Family Welfare (A) Deptt.,
Government of Assam, Assam Secretariat, Dispur
Date of hearing : 03.03.2018
Second Appeal heard by : Shri Pinuel Basumatary,
State Information Commissioner, Assam

O R D E R
03.03.2018

Shri A.S. Abdullah Barbhuyan, SPIO, Health & Family Welfare Department, Assam is present.

The Appellant, Shri Chinmoy Chakravarty is present.

The SPIO has submitted a copy of the letter dated 22.01.2018 written to the Addl. Director General of Police, CID, Assam seeking the information to enable furnishing the same to the Appellant.

A Written Statement dated 27.02.2018 has been received from the First Appellate Authority/Joint Secretary to the Government of Assam, Health & Family Welfare Department.

Heard the Appellant. He submitted that he had not received any further information subsequent to his filing of the Second Appeal dated 04.12.2017 and that he was not satisfied with the response of the Public Authority.

Perused the Written Statement and the copy of the letter to the CID. It has been submitted that the information had not been furnished for want of the same from the CID despite several reminders. However, on receipt of a response from the CID through a letter dated 28.12.2017.

Perusal of the case record indicates that in his Application the Appellant had sought copies of two letters, written by the Health & Family Welfare Department, and the Commissioner, Food Safety and Drug Administration Department to the Deputy Secretary, Government of Assam, Health & Family Welfare Department respectively. The Appellant had sought status of inquiry conducted by the CID and the report thereof through point numbers 3 and 4 respectively.

From the above, it is evident that the SPIO's office is the holder of the information relating to the first two points and it is dependent on the CID for transfer regarding the information on the other two points. Therefore, it was wrong on the part of the Public Authority to withhold the information on the plea that the CID did not provide the same. Likewise as regards the rest of the information the SPIO ought to have provided the information as the holder of the information.

In view of the facts brought out above, the Commission hereby orders that the SPIO shall provide the information to the Appellant on point numbers 1 and 2, free of cost within 10 days of receiving this order and transfer the other two points to the appropriate level of the CID the holder of the information, under intimation to the Appellant, under the provisions of the RTI Act, 2005 within 5 days of receiving this order.

The Second Appeal is hereby disposed of.

However, the Appellant shall be at liberty to appeal to the appropriate First Appellate Authority of the CID should he not be satisfied with the response, or the absence of SPIO of the CID within the stipulated time.

Sd/-

Pinuel Basumatary
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy

Sd/-

Joint Registrar
Assam Information Commission

Memo No. SIC/KP(M).1231 /2017/39-A
Copy to:

Dtd. 03.03.2018

1. The SPIO, O/o the Health & Family Welfare (A) Deptt., Government of Assam, Assam Secretariat, Dispur, Guwahati- 6 for information and necessary action.
2. The First Appellate Authority/ Health & Family Welfare (A) Deptt., Government of Assam, Assam Secretariat, Dispur, Guwahati- 6 for information.
3. The Appellant, Shri Chinmoy Chakravarty, Advocate, Gauhati High Court, Eastern Attorneys Advocates & Legal Consultants, Uzan Bazar Chariali, Nawjan Apartment, 2nd floor, above Assam Gramin Vikash Bank Building, Guwahati- 781 001, Assam for information.
4. Computer Section for uploading in the Website.
5. Office File.

Joint Registrar
Assam Information Commission