



**OFFICE OF THE  
ASSAM INFORMATION COMMISSION**

**JONAKKEE COMPLEX, SHILPGRAM ROAD, PANJABARI, GUWAHATI- 781037**  
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<b>Case No.</b>	<b>KP(M).74/2018</b>
<b>Complainant/ Appellant</b>	<b>Smti Manjula Das</b>
<b>Respondent</b>	<b>Health &amp; F.W Department, Govt. of Assam</b>
<b>Date of Hearing</b>	<b>06.06.2018</b>
<b>Complaint/ Second appeal heard by</b>	<b>Shri H. S. Das, IAS (Retd) State Chief Information Commissioner, Assam</b>

**O R D E R**  
**06.06.2018**

1. The petitioner Dr. Manjula Das is present. The public authority is represented by (i) Sri A.S.A Barbhuiyan, Deputy Secretary and SPIO of Health & Family Welfare Department and (ii) Sri Biman Dutta Deputy Secretary, Political 'A' Department.

2. The second appeal petition dated 25-1-2018 is taken up for further hearing in pursuance of this Commission's earlier orders, the latest one being dated 22-5-2018.

3. The present SPIO of Health & F.W. Department Sri A.S.A. Barbhuiyan submitted orally that as was agreed to at the time of hearing on 3-5-2018, and as recorded in the order of that date, the petitioner Dr. Manjula Das was supposed to collect the sought for informations from the SPIO and Deputy Secretary, Health & F.W Department Sri A.S.A. Barbhuiyan. But due to some inconvenience and also due to her present place of posting being in Silchar, she could not come and collect the sought for informations. The SPIO Sri Barbhuiyan requested her to come to his office and collect the informations. The petitioner Dr. Manjula Das also agreed to do so today.

4. In view of the above, the petitioner Dr. Manjula Das is directed to collect the informations today and inform this Commission by tomorrow that she has received the same to her satisfaction.

5. As regards the show cause notice to the then SPIO and Deputy Secretary of Health and F.W. Department Sri Biman Dutta, he has submitted his written explanation dated 2-6-2018. In his W/S he has mentioned that in pursuance of First Appellate Authority's order dated 29-12-2016, Sri Dutta, in his capacity as SPIO passed orders on 2-1-2017 and 25-1-2017 to Sri Saytajit Bora and Sri Ashim Roy, both

of whom were Superintendents of Health (B) Department to provide the sought for informations to the petitioner. Sri Dutta has enclosed photocopies of the relevant pages of file No. HLB.552/2016. It has been mentioned in the W/S that in continuation to the orders in file, he also approached them verbally , but they did not take any action. Sri Biman Dutta also deposed orally that both the Superintendents were present at the time of hearing by the First Appellate Authority on 28-12-2016.

6. From the oral deposition and written submission of the then SPIO Sri Biman Dutta it appears that the then Superintendents of H&FW(B) Department Sri Satyajit Bora and Sri Ashim Roy are prima facie responsible for non-furnishing of the information to the petitioner in time, in spite of written orders from the First Appellate Authority and subsequent orders by the then SPIO and Deputy Secretary Sri Biman Dutta.

7. Issue notices to both Sri Satyajit Bora and Sri Ashim Roy through Commissioner & Secretary, SAD (Gazetted cell) Department to show cause, by way of submission of written statements on or before 02-7-2018 as to why penalty under Section-20 of the RTI Act should not be imposed on them for their failure to furnish the sought for informations to the petitioner within the stipulated time period.

8. Fix 02-7-2018 at 12.30 P.M for submission of written statements of Sri Satyajit Bora and Sri Ashim Roy and **for their personal hearing** before taking any decision for imposition of penalty.

9. It also transpired in course of todays' hearing that other than designation of SPIO, Health & F.W Department , no other arrangement have been made for timely, systematic and smooth handling of RTI applications received in the Department. It also transpired that there is no supporting staff to help the SPIOs in dealing with RTI matters and that there is no formal RTI cell or institutional mechanism in the Department except the lone SPIO.

10. Therefore, in exercise of powers conferred under Section- 19 (8)(a) of the RTI Act, 2005, the Principal Secretary of Health and F.W Department is directed to constitute an RTI cell in the Department with necessary staff to support the SPIO for smooth handling and disposal of RTI matters including maintenance of a register detailing receipt , processing and disposal of RTI applications received in the Department.

11. The Principal Secretary, Health & F.W Department is directed to report compliance by 02-7-2018. The SPIO of the Department is also directed to be present on the next date of hearing and report compliance by 2-7-2018

**Sd/-**

**(H. S. Das)  
State Chief Information Commissioner,  
Assam**

**Authenticated true copy**

**Sd/-**

**Registrar I/c  
Assam Information Commission**

**Memo No SIC/ KP(M). 74/2018 /**

**A**

**Dated 06.06.2018**

Copy to:-.

- 1 Principal Secretary, Health & F.W Department , Dispur, Guwahati-6 for information and necessary action as ordered above.
- 2 Sri A.S.A Barbhuiyan, Deputy Secretary and SPIO of Health & Family Welfare Department for information and necessary action as ordered above.
- 3 Sri Sri Saytajit Bora , Superintendent, Health (B) Department, Dispur, Guwahati-6 for information and necessary action.
- 4 Sri Ashim Roy SPIO , Health (B). Department, Dispur, Guwahati-6 for information and necessary action.
- 5 Dr. Manjula Das , Natun Sarania, Achala Bhuyan Road, House No. 5, Bye Lane -3, Guwashati-7 for information and necessary action as ordered above.
- 6 Computer Section for uploading in the Website
- 7) Office file.
- 8) Order Book.**

**Registrar I/c  
Assam Information Commission.**

