



RIGHT TO
INFORMATION



सत्यमेव जयते

OFFICE OF THE

ASSAM INFORMATION COMMISSION

JONAKEE COMPLEX, SHILPGRAM ROAD, PANJABARI, GUWAHATI- 781037

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Case No. KP(M) 176/2018
Complainant/ Appellant Sri Utpal Das
Respondent Health & F.W. Department, Govt. of Assam
Date of Hearing 11.07.2018
Complaint/ Second appeal heard by Shri H. S. Das, IAS (Retd)
State Chief Information Commissioner, Assam

O R D E R
11.07.2018

1. . The petitioner Sri Utpal Das is absent. However, he has sent a prayer dated 11-7-2018 stating that due to some unavoidable circumstances he was not able to attend the hearing today and requested this Commission to pass appropriate orders as deemed fit and proper. The public authority is represented by (i) Sri A.S.A Barbhuyan, Deputy Secretary and SPIO of Health & F.W Department (ii) Sri Pradip Kr. Sarma, Superintendent, Health & F.W (B) Department, and (iii) Sri Ramendra Kr. Das, Superintendent, Health & F.W (A) Department.

2. The second appeal petition dated 26-3-2018 read with his RTI petition dated 11-11-2017 is taken up for hearing ex-parte in the absence of the petitioner.

3. The SPIO and Deputy Secretary of Health & F.W. Department has submitted a written statement dated 10th July, 2018 stating the actions taken by H&FW Department on the RTI petition dated 11-11-2017 filed by the petitioner.

4. It has been stated in the W/S that the informations sought for by the petitioner relates to different Directorates and organizations under the Health & F.W Department. Accordingly, the RTI petition was transferred, with information to the petitioner, vide a letter dated 29th January, 2018 to :-

1. The Managing Director, National Health Mission, Assam,
2. The Director of Health Services, Assam,
3. The Director of Medical Education, Assam,
4. The Project Director, Assam State AIDS Control Society , and
5. The Special Officer, National Health Mission, Assam

5. It is noted by this Commission that the SPIO and Deputy Secretary, Health & F.W Department while transferring the RTI petition to the concerned public authorities by his letter dated 29th January, 2018, did not specify which public authority

has to respond to which part of the RTI petition. The SPIO and Deputy Secretary , Health & FW, Department is, therefore, directed to advise the above-mentioned five public authorities accordingly.

6. It has also been mentioned in the W/S that subsequently, vide letters dated 12-3-2018 and 07/07/2018, the list of Doctors working in the Medical Colleges of Assam and in other Govt. hospitals, respectively, were furnished to the petitioner.

7. **This Commission would like to refer to Section -4(1)(b)(ix) of the RTI Act, 2005 which requires the concerned public authorities, in this case the Health & F.W. Department, to disclose suo moto in a pro-active manner the list of doctors with their place of posting and place it in public domain, preferably through their website. The Principal Secretary, Health & F,W Department is, therefore, directed under Section-19(8)(a) (i) to take necessary action accordingly within 30 days from the date of receipt of this order and report compliance. This Commission considers it absolutely necessary in larger public interest that in compliance with Section 4(1)(b) of the RTI Act, 2005 this information is placed in the public domain and up-dated periodically at least at 6 monthly intervals.**

8. As regards point No. 2 of the RTI petition relating to numbers of children's death in Govt. hospitals , particularly Barpeta Medical College Hospital, this Commission is of the view that this is also a very important and sensitive matter, particularly in view of the incidence of high level of Infant Mortality Rate (IMR) in the State. The Principal Secretary, Health & F.W Department is, therefore, directed to collect and compile this information from the concerned public authorities under his jurisdiction and the SPIO of the Department is directed to furnish the same to the petitioner and **also put up the same in public domain through their website within 60 days from the date of receipt of this order.**

9. As regards point No-3 of the RTI petition relating to role of Additional Director of Director of Health Services, as Secretary of an NGO, it has been mentioned in the W/S that the said matter was heard by this Commission in second appeal case No. KP(M).168/2018 and the same was disposed of vide order dated 18-6-2018. Moreover, the SPIO has enclosed with his W/S a copy of a report dated 26-2-2018 submitted by the Director of Health Services to the Deputy Secretary Health & Family Welfare Department. The aforesaid report contains the informations sought for by the petitioner vide point No. 3 of his RTI petition. The SPIO of Health & F.W Department is, therefore, directed to furnish a copy of the report dated 26-2-2018 to the petitioner within 15 days from the date of receipt of this order.

10. As regards point No-4 and 5 of the RTI petition relating to 108 Ambulance services and Atal Amrit Yojana, this Commission is of the opinion that the concerned

administrative Department is expected to be aware about the present status of implementation of such important programmes. The SPIO of the Department is, therefore, **directed to collect the information from the concerned public authorities** and furnish the same to the petitioner, **as well as put it in public domain within 30 days from the date of receipt of this order.** In discharging his duties the SPIO may invoke Section -5(4) of the RTI Act and seek assistance of any other officer that may be necessary and for any contravention of the provisions of the RTI Act, 2005, such other officers shall be treated as SPIOs under Section 5(5) of the Act.

11. Put up on 10th September, 2018 at 01.00 P.M for review of actions taken and compliance of the above order.

Sd/-

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

Authenticated true copy

Sd/-

Registrar I/c
Assam Information Commission

Memo No SIC/ KP(M). 176/2018/

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Dated 11.07.2018

Copy to:-

- 1) Principal Secretary to the Govt. of Assam, Health & F.W Department, Dispur, Guwahati-6 for information and necessary action as ordered above.
- 2) SPIO and Deputy Secretary, to the Govt. of Assam, Health & F.W Department, Dispur, Guwahati-6 for information and necessary action as ordered above.
- 3) Sri Utpal Das, House No-41, Rong Pathar Bye Lane, Fatashil Ambari, Guwahati-25 for information.
- 4) Computer Section for uploading in the Website
- 5) Office file.
- 6) Order Book.**

Registrar I/c
Assam Information Commission.

