



**OFFICE OF THE  
ASSAM INFORMATIONS COMMISSION  
JONAKEE COMPLEX, PANJABARI, GUWAHATI-781037**

Case No : KP(M).756/2019  
Complainant/ Appellant : Sri Phatik Baruah  
Respondent : SPIO of the office of the Director of Health Services  
Date of hearing : 22.8.2019  
Complaint/ Second : Shri H.S. Das. IAS (Retd)  
Appeal heard by : Chief Information Commissioner, Assam

**O R D E R**

22.8.2019


1. The appellant Sri Phatik Baruah is present accompanied by learned advocate Sri Santanu Prashad Das to assist him. The public authority to be represented by the SPIO of the office of the Director of Health Services, Govt. of Assam, Hengrabari, Guwahati is absent without any information. The second appeal petition dated 5.4.2019 read with the RTI petition dated 12.11.2018 is taken up for consideration ex-parte in the absence of the respondent.
2. From perusal of the case records, it is seen that the appellant filed an RTI petition dated 12.11.2018 before the SPIO of Director of Health Services seeking copies of all the documents submitted before the Director of Health Services on the basis of which birth certificate was issued in the name of Master Nirvan Nideesh Borah, son of Sri Shankhneel Borah vide Registration No. 0268/08 dated 23.6.2008 and Birth Certificate No. 0041969, by the Registrar of Birth and Death, Guwahati, State Dispensary, District Kamrup Assam. It is mentioned in the RTI petition that a copy of the birth certificate was enclosed with the RTI petition.
3. This Commission is of the view that the registration of birth is a statutory responsibility and duty to be performed by the concerned competent registration authority on the basis of admissible documents and procedure as prescribed by the Registration of Births and Deaths Act, 1969 and rules framed there under. This Commission is of the view that the informations sought for by the appellant are otherwise admissible under the RTI Act, 2005 unless exempted on the ground that:-  
(a) disclosure of such informations will amount to causing unwarranted invasion of the privacy of the individual as prescribed under section 8(1)(j) or (b) if the concerned SPIO is of the opinion that the sought for informations relates to personal information the disclosure of which has no relationship to any public activity or interest, as prescribed under section 8(1)(j) of the RTI Act, 2005 or (c) if the SPIO is of the opinion that the sought for informations belong to the category of third party information to be dealt with under the section 11 of the RTI Act, 2005. The SPIO of the Director of Health Services is, therefore, directed to furnish the informations sought for by the petitioner within 15 days from the date of receipt of this order unless he is of the opinion that the same

cannot be furnished as ordered due to the limitations of section 8(1)(j) and section 11 mentioned above. In that case the SPIO is directed to inform the RTI applicant within 15 days from the date of receipt of this order the reasons for his inability to furnish such information.

4. With the above order, the second appeal petition dated 5.4.2019 is disposed of.

Sd/-  
(H. S. Das)  
Chief Information Commissioners, Assam  
Panjabari, Guwahati

Authenticated true copy.


  
Registrar i/c  
Assam Information Commission

**Memo No. SIC/KP(M).756/2019**

**Dated. 22.8.2019**

Copy to:

1. The SPIO of the Office of the Director of Health Services, Hengrabari, Guwahati-36, Assam for information and necessary action
2. The Petitioner, Sri Phatik Baruah, S/o- Late Ramesh Chandra Baruah, Address- Shiva Mandir Upa path, Khanapara, House No-29, P.S- Dispur, P.O- Khanapara, Ghy-22 for information.
3. Computer Section for uploading in the website.
4. Office File
5. Order Book

  
Registrar i/c  
Assam Information commission