



OFFICE OF THE

ASSAM INFORMATION COMMISSION

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Case No. : SIC/KMJ.11 /2019
Appellant : Sri Ranendra Bhattacharjee
Respondent : The SPIO, O/o the Joint Director of Health Services,
Karimganj, Dist.- Karimganj, Assam, Pin- 788 710

Date of hearing : 24.09.2019
Second Appeal heard by : Sri Pinuel Basumatary, IA & AS (Retd.)
State Information Commissioner, Assam

O R D E R

24.09.2019

Sri Pradipta Ghosh, Food Safety Officer as authorized by the Joint Director of Health Services, Karimganj is present. He submitted a Written Statement dated 21.09.2019 from the JDHS, Karimganj.

The Appellant has sent an apology on account of his illness. He has requested to dispose of the case *ex parte* or as the Commission deem fit. He did not appear before the JDHS, Dhemaji which he was asked to do on 13.06.2019.

Perused the Written Statement and heard the depute of the JDHS, Karimganj. The RTI Application dated 01.10.2018 addressed to the Food Inspector was received by the office of the SPIO the same date and forwarded to the Food Safety branch. The information was furnished. However, the Appellant did not appear to be satisfied and submitted a First Appeal dated 27.11.2018 which was received on 17.01.2019. The latter forwarded the First Appeal to Food Inspector on 21.02.2019. Another reply was furnished to the Appellant. On being queried the Inspector of Food submitted that no officer in the Public Authority had been designated as SPIO.

Perusal of the case records indicates that the Appellant was not fully satisfied with the information provided and therefore he submitted his Second Appeal dated 28.05.2019 in a detailed manner pointwise.

From the above, the Commission observes that the Public Authority did respond to the Appellant although the latter was not fully satisfied. Secondly, the Commission observes that the JDHS, Karimganj did not dispose of the First Appeal as the First Appellate Authority and instead forwarded the same to the Food Inspector with whose reply the Appellant was not satisfied. Furthermore, the head of the Public Authority appears to have not designated any officer in his office as SPIO in accordance with Section 5 (1) of the RTI Act, 2005.

Considering the facts brought up before it, the Commission hereby orders as follows-

- (i) **The JDHS, Karimganj shall ensure that an SPIO is designated and duly notified for the information of the public in accordance with Section 5 (1) of the RTI Act, 2005. Likewise, he is directed to designate himself or an officer senior to the SPIO as the FAA U/S 19 (1) of the said Act and display the name(s) and designation(s) of both officials for the information of the public.**
- (ii) **The JDHS, Karimganj shall provide a to-the-point reply to the Appellant with reference to the Second Appeal dated 28.05.2019 and provide the wanting information and documents duly authenticated free of cost, within 15 days of receiving this order. The communication shall be made by a reliable means.**

With the above directions, the Second Appeal is hereby disposed of.

Sd/-

Pinuel Basumatary, IA & AS (Retd.)
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy



Joint Registrar
Assam Information Commission

Memo No. SIC/KMJ.11 /2019

Dtd.24.09.2019

Copy to:

1. The SPIO, O/o the Joint Director of Health Services, Karimganj, Dist.- Karimganj, Assam, Pin- 788 710 for information and necessary action.
2. The First Appellate Authority/office of the Joint Director of Health Services, Karimganj, Dist.- Karimganj, Assam, Pin- 788 710 for information.
3. The Appellant, Sri Ranendra Bhattacharjee, Nilmoni Road Bye Lane- 1, PO & Dist.- Karimganj, Assam, Pin- 788 710 for information.
4. Computer Section for uploading in the Website.
5. Office File.



Joint Registrar
Assam Information Commission