

Case No. : SIC/LPR.7/2021  
Complainant/ Appellant : Shri Debananda Saikia.  
Respondent : The SPIO/Superintendent, North Lakhimpur Civil Hospital, Lakhimpur Assam.  
Date of Hearing : 20-04-2021  
Complaint/ Second Appeal heard by : Shri Samudra G. Kashyap.  
State Information Commissioner, Assam

**O R D E R**  
**20-04-2021**

1. The appellants Shri Debananda Saikia is present.
2. The SPIO, O/o the Superintendent, North Lakhimpur Civil Hospital is absent without any intimation. The Commission has decided to proceed with the hearing in the absence of the SPIO, and in the interest of the citizen/RTI appellant who has travelled all the way from Lakhimpur to attend today's hearing.
3. From perusal of records it is seen that the appellant Shri Debananda Saikia had submitted one RTI application in the O/o the Joint Director of Health, North Lakhimpur on 23.09.2020, requesting for some information relating to Kidney Dialysis facilities in the North Lakhimpur Civil Hospital. The Joint Director of Health Services, Lakhimpur vide letter No. JDHL/RTI/2020/..... dated 28.09.2020 transferred the said RTI application to the Superintendent of North Lakhimpur Civil Hospital, with the request to inform the petitioner directly about depositing the cost of documentation within 7 (seven) days from receipt of the transfer letter. The Joint Director of Health Services had also specifically mentioned that the RTI matter should be treated as URGENT. The appellant Shri Debananda Saikia, had submitted an Appeal before the FAA, O/o the Deputy Commissioner, Lakhimpur on 23.11.2020 about non-receipt of any response/information from the Superintendent, North Lakhimpur Civil Hospital. Apparently not getting any response from the FAA, O/o the Deputy Commissioner, Lakhimpur, the appellant Shri Debananda Saikia submitted a 2<sup>nd</sup> Appeal in this Commission on 23.02.2021.
4. **In view of the above, The SPIO/Superintendent, North Lakhimpur Civil Hospital, Lakhimpur is hereby directed to respond to and provide the informations sought by the appellant Shri Debananda Saikia vide his RTI application dated 23.09.2020, and vide the transfer of the said application by the Joint Director of Health Services on 28.09.2020 within 7 (seven) days from the receipt of this order.**
5. **The informations sought are related to serious health matters which can amount to question of life of a person. The SPIO/Superintendent, North Lakhimpur Civil Hospital, should have been ideally furnished the information within 48 hours of the receipt of the request as it can relate to life of a person. In the instant case, the SPIO/Superintendent, North Lakhimpur Civil Hospital has clearly and blatantly violated the provisions of the RTI Act, 2005, and that too after the Joint Director of Health Services, Lakhimpur had specifically requested him to respond to the RTI application with 7 (seven) days by treating it as URGENT. By doing so the SPIO/Superintendent, North Lakhimpur Civil Hospital, is liable to attract provisions of Section 20 (2) of the RTI Act, under which he can be awarded recommendation for**

disciplinary actions under the service rules applicable to him. Nevertheless, the Commission gives the SPIO/Superintendent, North Lakhimpur Civil Hospital, one more opportunity to explain why penalty under Section 20(1) of the RTI Act, 2005, shall not be imposed on him/her for his/her failure to furnish the sought for information within the stipulated time period, and why disciplinary action against him/her shall not be recommended, under the service rules applicable to him/her for not furnishing information within the time specified under Section 7 (1) of the RTI Act, 2005. The SPIO/Superintendent, North Lakhimpur Civil Hospital, is directed to submit his/her explanation and/or written statement to the Commission within 15 (fifteen) days from the receipt of this order.

6. The appellant Shri Debananda Saikia is also directed to inform the Commission immediately on receipt of the information sought for.
7. A copy of this order be also marked to the FAA O/o the Deputy Commissioner, North Lakhimpur for information and necessary action.
8. With the above order this 2<sup>nd</sup> Appeal is hereby disposed of.

Sd/-  
(Samudra G. Kashyap)  
State Information Commissioner,  
Assam.

Authenticated true copy.

Sd/-  
Secretary & Registrar  
Assam Information Commission

**Memo No. SIC/LPR.7/2021**

**Dated: 20-04-2021**

Copy to:

1. The SPIO/Superintendent, North Lakhimpur Civil Hospital, Lakhimpur Assam for information and necessary action.
2. The First Appellate Authority/Deputy Commissioner, Lakhimpur, PIN Code 787001, Assam, for information and necessary action.
3. The petitioner, Shri Debananda Saikia, S/o Shri Kamal Saikia, Vill & P.O. Panigaon, Distt. Lakhimpur, PIN Code 787052, Assam, for information and necessary action.
4. Computer section for uploading in the website
5. Office File
6. Order Book



Secretary & Registrar  
Assam Information Commission.