



**OFFICE OF THE
ASSAM STATE INFORMATION COMMISSION
JONAKEE COMPLEX, PANJABARI, GUWAHATI-781 037**

Case No. : SIC/NGN.70/2013
Complainant : Md. Khairul Islam Fakir.
Respondent : The SPIO/A.D.C, Office of the D.C., Nagaon
Date of hearing : 19.02.2016
Complaint heard by : Shri Pinuel Basumatary,
State Information Commissioner, Assam

O R D E R
19.02.2016

The Appellant present with his assistant.

The SPIO absent. However, she has sent a written request dated 17.02.2016 for some more time to submit Written Reply and also to fix another date for hearing on the ground of paucity of time after receiving the Commission's hearing notice. However, the Commission has decided to go ahead with the hearing *ex parte* as the Appellant is present and the request for postponement has been received on 18.02.2016 leaving no time to inform all the parties.

Perusal of the case records indicate that the RTI Application dated 02.04.2013 was submitted to A.D.C. (Revenue), office of the D.C., Nagaon. The instant Complaint dated 24.09.2013 was submitted to this Commission after the Complainant failed to receive the information he had sought for and any order on his First Appeal dated 09.05.2013.

Heard the Complainant. During the hearing, he submitted a copy of the letter dated 17.04.2013 written by the A.D.C. (Revenue), Nagaon to the SPIO/A.D.C., Nagaon, a copy of which had been endorsed to him for information. Perused the said letter. It was stated in the letter that the information sought for could not be provided for their inability to trace the files related to the 3 (three) cases of permission for sale of land accorded by D.C., Nagaon referred to by the RTI Applicant. The Complainant further submitted a copy of the letter dated 24.02.2015 written by the A.D.C. (Revenue), Nagaon to him (the Complainant). Perused the said letter. It is seen that through this letter the A.D.C. (Revenue) has reiterated the same position, namely that the files relating to the said permission could not be found despite extensive search. It is seen from the above that the information sought for by the Complainant could not be provided by the SPIO owing to loss of official records and that such a case of loss of official records amounts to serious failure on the part of the officials responsible for maintenance and safe keeping of such records in the office of the D.C., Nagaon.

There is no evidence of the First Appellate Authority/FAA/D.C., Nagaon having disposed of the First Appeal dated 09.05.2013. The Complainant submitted that he has not received any order of the FAA in this regard.

In view of the facts brought out above, the Commission hereby orders the following –

1. The SPIO shall collect the information sought for by the Appellant from the concerned branches of the office of the D.C., Nagaon seeking assistance u/s 5 (4) of the RTI Act, 2005 and furnish the same to the Complainant, free of cost, within a period of 15 days of receipt of this order, and
2. The FAA/D.C., Nagaon shall consider and dispose of the aforementioned First Appeal, with a speaking order, within a period of 21 days of receipt of this order.

As regard, the alleged loss of the official files relating to grant of permission for land sale referred to by the RTI Applicant, it is for the D.C., Nagaon as the Head of the Public Authority to enquire into the matter and take appropriate action on the findings given the fact that the alleged loss/misplacement of the said files has caused denial of information to the RTI Applicant sought for under the RTI Act, 2005.

With this, the Complaint case is disposed of.

Sd/-

Pinuel Basumatary
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Sd/-

Dy. Secretary & Dy. Registrar
Assam State Information Commission

Memo No. SIC/NGN.70/2013/ -A

Dtd. 19.02.2016

Copy to:

1. The SPIO/Additional Deputy Commissioner, Office of the Deputy Commissioner, Nagaon, Dist- Nagaon Assam, Pin- 782001 for information and necessary action.
2. The First Appellate Authority/Deputy Commissioner, Nagaon, Dist- Nagaon Assam, Pin- 782001 for information and necessary action.
3. Md. Khairul Islam Fakir, S/o- Late Askar Ali, Vill. & P.O.- Fakuli Pathar, Dist- Nagaon, Assam, Pin- 782124 for information.
4. Computer Section for uploading in the Website.
5. Office File.

Dy. Secretary & Dy. Registrar
Assam State Information Commission