

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

Case No. : SIC/NGN.69/2014
Appellant : Md. Khairul Islam Fakir.
Respondent : The SPIO, O/o the Deputy Commissioner, Nagaon
Date of hearing : 23.06.2016
Second Appeal heard by : Shri Pinuel Basumatary,
State Information Commissioner, Assam

O R D E R
23.06.2016

The SPIO absent but has sent a Written Statement dated 22.06.2016.

The Appellant present with an assistant.

Perused the W/S. It has been submitted that the RTI Application dated 04.07.2014 was transferred to the A.D.C. (Revenue), Nagaon. Then, the A.D.C. (Revenue), Nagaon through his letter dated 14.02.2015 had informed that the relevant records relating to the information sought for by the Appellant could not be found.

Heard the Appellant. He submitted that he had not received the information he had sought for. He also submitted that he believed the concerned files were available in the office. He also submitted that should the files be among those handed over to the Police in connection with the FIR lodged against an employee, he should be given a copy of the seizure list.

Perused the case record. It is seen that the Appellant had made his Second Appeal being aggrieved at not receiving any response from the SPIO to his Application. The D.C., Nagaon as First Appellate Authority had issued the order dated 15.09.2014 directing the A.D.C. (Revenue) and Circle Officer, Nagaon Sadar Revenue Circle to provide the information within 5 days.

Although, the Commission's hearing notice dated 07.06.2016 was addressed as "SPIO, office of the D.C. (Revenue Branch), Nagaon, Assam", it would be appropriate for the SPIO, office of the D.C., Nagaon to deal with all RTI matters for that Public Authority.

Considering the facts brought out above, the Commission hereby concludes as follows –

1. The transfer of the RTI Application by the SPIO to the A.D.C. (Revenue), Nagaon under Section 6 (3) was not in order. It is his responsibility as SPIO to procure the information and provide it to the Appellant. Should it be necessary, she could seek assistance of the concerned official under Section 5 (4);
2. The files containing those documents should be searched thoroughly and systematically and the information provided. If the files are not traced, the fact should be brought to the notice of the Appellant;
3. As First Appellate Authority's order dated 15.09.2014 had not been complied with, the FAA shall reconsider the First Appeal in the context of the non-compliance, and also this order, within 15 days of receipt of this order;
4. As directed in the Commission's order on Second Appeal case no. SIC/NGN.70/2013, an enquiry is required into the issue of missing files and responsibility fixed for the loss of official documents.

With this, the Second Appeal Petition is disposed of.

Sd/-

Pinuel Basumatary
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Sd/-

Deputy Registrar
Assam Information Commission

Copy to:

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

Deputy Registrar
Assam Information Commission