

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

Case No. : SIC/DRN.64 /2017  
Appellant : Md. Aftar Hussain  
Respondent : The SPIO, O/o the Deputy Commissioner, Darrang  
Date of hearing : 14.02.2018  
Second Appeal heard by : Shri Pinuel Basumatary,  
State Information Commissioner, Assam

**O R D E R**  
14.02.2018

The Appellant, Md. Aftar Hussain is present.

The SPIO absent. However, Smt. Hemashri Khanikar, Assistant Commissioner, office of the Deputy Commissioner, Darrang and Shri Juran Baro, Sr. Assistant are presented themselves on behalf of the SPIO. However, they carried no authorization from the SPIO. They are allowed to remain present in the hearing in the interest of a decision on the Appeal.

A Written Statement dated 13.02.2018 from the Deputy Commissioner, Darrang was submitted.

Heard the Appellant. He submitted that he has received no further information subsequent to the order of the Commission dated 01.11.2017.

Perused the case record. It is seen that the Second Appeal was heard in the Commission and an order passed on 01.11.2017. It was seen that three of the five points of the information sought for by the Appellant had been furnished. As regards the remaining two points information could not be furnished for want of the relevant records. The First Appellate Authority/DC, Darrang had disposed of the First Appeal with the order that the Appellant would inspect the records in the office. The inspection however could not be made as the records were not available. The Commission had ordered that, as the head of the Public Authority, the DC, Darrang should have the issue of missing register of issue of Schedule Caste certificate and documents submitted by the concerned person namely, Smt. Monika Das along with her Application for the certificate inquired into formally and have the SPIO furnish the information sought for. The inquiry was to be conducted within 30 days of receiving the Commission's order.

Perused the Written Statement and heard the officials present. It has been submitted that in compliance with the Commission's order, an inquiry was conducted and it was determined that the relevant records were not available in the office. However, the Commission notes that the inquiry was conducted by Shri Narnarayan Nath ACS, Addl. Deputy Commissioner, Darrang by issuing an order only on 07.02.2018 and some officials of the DC's office submitted a report on the result of the search yesterday, i.e. on 13.02.2018. The

said report does not detail the records, racks or bundles of records searched, the names of the specific officials who had carried out the search with date and time of the search etc. In other words, no evidence has been submitted for a systematic search and inquiry. Improper search aside, the action taken was not timely and the report is perfunctory and submitted just ahead of today's hearing.

However, considering the facts brought out above, the Commission hereby concludes that the information as available with the Public Authorities has since been provided to the Appellant and it is now for the Public Authority to take appropriate administrative action to ascertain the facts as to why such important documents pertaining to the staff of the office are not being maintained and to fix responsibility on officials responsible for the loss of said records. Further, attention of the DC, Darrang is drawn to the fact that the evidence submitted before the Commission relating to the inquiry flimsy and unacceptable.

The Commission further directs the SPIO cum Election Officer, office of the DC, Darrang to discharge her responsibility enjoined on her by the RTI Act, 2005 diligently in the matter of furnishing of information timely, presence in the hearings held by the Commission and submission of Written Statements before the Commission to enable the latter to reach informed decisions on Second Appeals. By deputing officials to today's hearing casually, without any communication to the Commission betrays lack of seriousness on RTI matters.

The Second Appeal is hereby disposed of. However, the Appellant shall be at liberty to have his grievance redressed by appropriate authorities.

Sd/-

Pinuel Basumatary  
State Information Commissioner, Assam  
Panjabari, Guwahati

Authenticated true copy

Sd/-

Joint Registrar  
Assam Information Commission

Memo No. SIC/DRN.64 /2017

Dtd.14.02.2018

Copy to:

1. The SPIO, O/o the Deputy Commissioner, Darrang, Mangaldai, Dist- Darrang, Assam, Pin- 784 125 for information and necessary action.
2. The First Appellate Authority/ Deputy Commissioner, Darrang, Mangaldai, Dist- Darrang, Assam, Pin- 784 125 for information.
3. The Appellant, Md. Aftar Hussain, C/o- Lt. Asraf Ali, Vill No.1, PO- Ganesh Kuwari, PS- Sipajhar, Dist- Darrang, Assam, Pin- 784 145 for information.
4. Computer Section for uploading in the Website.
5. Office File.

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Assam Information Commission