



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

Case No. : SIC/KP(M).762/2016  
Complainant : Shri Hari Narayan Pathak  
Respondent : The SPIO, O/o the Secretary to the Government of  
Assam, Industries & Commerce, Janata Bhawan, Dispur  
Date of hearing : 05.04.2018  
Complaint heard by : Shri Pinuel Basumatary, IA &AS (Retd.)  
State Information Commissioner, Assam

**O R D E R**  
05.04.2018

Shri Tuphel Ahmed, SPIO and Under Secretary to the Government of Assam, Industries & Commerce Department is present along with Shri Montu Kumar Borah, Junior Assistant. He has submitted a Written Statement dated 05.04.2018.

The Appellant/Complainant, Shri Hari Narayan Pathak is present.

Perused the case record. It is seen that the Complaint/Second Appeal case had been heard three times in the past and an order issued on each occasion, namely on 24.05.2017, 30.06.2017 and 20.09.2017. In its third order, the Commission had ordered that the SPIO should find a copy of the documents in question and provide it to the Appellant as soon as possible and inform the Appellant on the action taken on the findings of the inquiry and apprise the Commission as well. It had been decided to hear the case again and hence today's hearing.

Perused the Written Statement and heard the SPIO. It has been submitted that the inquiry into the missing files instituted by the Department on the direction of the Commission has since been completed and a report dated 03.04.2018 received. A copy of the said report has been enclosed. The same has also been dispatched to the Appellant. A copy thereof was handed over to him in the hearing. The inquiry conducted by the Secretary to the Government of Assam, in the Department found that the files could not be located, there were loopholes in the record keeping system in the Department prior to introduction of the online file movement system, and that in view of this it was difficult to fix responsibility on any particular official. The Inquiry Officer has also advised filing of an FIR in the local Police Station for a "thorough inquiry" into the whereabouts of the missing files.

Heard the Appellant. He submitted that he was not satisfied with the procedure followed by the Inquiry Officer for the reason that no evidence of a systematic search of records and signed statements by the officials conducting the search have been adduced to the report. It has been stated that all concerned had been heard; however no statements have been recorded/produced. He suspected that the files had not been searched systematically.

Having considered the statements by the parties and the case record, the Commission has come to the conclusion that the information as available has been provided by the Respondent SPIO to the Appellant and that efforts had been made to find the missing files in compliance with the orders of the Commission and thus action has been taken within the scope of the RTI Act, 2005.

In view of the facts brought out above, the Complaint/Second Appeal case is hereby disposed of. However, the attention of the Commissioner and Secretary, Industries & Commerce Department, Government of Assam is drawn to the need for proper maintenance of official records and accountability of each official regarding files dealt with by them in order to facilitate *suo motu* disclosure of information U/S 4, and to provide information sought for U/S 6 of the Act.

Sd/-

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

Authenticated true copy

Sd/-

Joint Registrar  
Assam Information Commission

Memo No. SIC/KP(M).762/2016

Dtd.05.04.2018

Copy to:

1. The SPIO, O/o the Secretary to the Government of Assam, Industries & Commerce Deptt., Janta Bhawan, Dispur, Guwahati- 6, Assam for information and necessary action.
2. The First Appellate Authority/Addl. Chief Secretary, Industries & Commerce Deptt., Janta Bhawan, Dispur, Guwahati- 6, Assam for information.
3. The Commissioner & Secretary to the Government of Assam, Industries & Commerce Deptt., Dispur, Guwahati- 6, Assam for information and necessary action.
4. The Appellant, Shri Harinarayan Pathak, Padum Pukhuri, Uzan Bazar, Guwahati- 781 001, Assam for information.
5. Computer Section for uploading in the Website.
6. Office File.

Joint Registrar  
Assam Information Commission