



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

Case No. : SIC/NGN.121/2018
Appellant : Sri Mukesh Saikia
Respondent : The SPIO, O/o the Secretary, Gagalmari GP, Gagalmari, Dist.-
Morigaon, Assam, Pin- 782 121

Date of hearing : 25.06.2018
Second Appeal heard by : Sri Pinuel Basumatary, IA & AS (Retd.)
State Information Commissioner, Assam

O R D E R
25.06.2018

Sri Ramesh Chandra Mandal, Secretary/SPIO, Gagalmari Gaon Panchayat is present.

The Appellant absent. However, a Written Statement dated 25.06.2018 has been received from him.

A Written Statement dated 29.05.2018 has been received from the First Appellate Authority/Project Director, DRDA, Morigaon.

Perused the Written Statement of the FAA. The First Appeal dated 12.10.2017 was first scheduled to be heard on 17.11.2017. The GP Secretary was present whereas the Appellant was absent and therefore the hearing was re-fixed for 05.12.2017. On the latter day both parties were present and the First Appeal was disposed of with the order dated 14.12.2017 that the GP Secretary would provide the remaining information to the Appellant within 25 days from the date of receipt of the order. It is further added that a part of the information was not available in the GP.

Perused the Written Statement of the Appellant. He submitted that he has not received the information relating to point numbers 2-6 inspite of the order of the FAA. He has added that he was requested by the GP Secretary to visit his office and inspect the records and that he did not comply with it for personal security reasons. He has appealed to the Commission to cause an inquiry into the matter and cause furnishing of the information, free of cost, by Post in accordance with the RTI Act, 2005.

Heard the GP Secretary/SPIO. He submitted that he had provided the information through a letter dated 21.11.2017 on the first of the six points on which information was sought through RTI Application dated 28.08.2017 which was received late on 24.10.2017. However, he was unable to provide the information on remaining points for want of the relevant records and the fact was mentioned in the said letter. The fact of not finding the relevant records was submitted in the hearing taken by the FAA and that the Appellant had appeared to have accepted the position. However, the FAA ordered that the information be furnished. In compliance of the order, he searched the records further and issued another communication dated 26.12.2017 informing the Appellant that the remaining information as regards point number 1 excepting CMSP was being provided by Registered Post and that the relevant

records in connection with point numbers 2-6 were not available in the GP. The GP Secretary further submitted that the wanting records had not been received from his predecessor. On the submission of the Appellant regarding inspection of records, he submitted that it was not a fact that he had never invited him for an inspection for the simple reason that the records were not in existence.

In view of the facts brought out above, the Commission hereby observes that the position of non-availability of official records in the Gagalmari GP is not acceptable. It reflects seriously on the maintenance of official records by the GP, considering particularly that the Appellant had sought information relating to bank accounts, audit report, bills, vouchers, cash memo etc. relating to work done and expenditure incurred by the GP from the years 2009-10. The system of maintenance of official records by the GP authorities therefore call for a thorough inquiry and remedial action by higher authorities of the Department. **The Commission hereby orders that the PD, DRDA, Morigaon shall cause a thorough, systematic inquiry into the circumstances in which the important official records relevant to the information sought for by the Appellant pertaining to the years 2009-10 onwards could be missing and whether the matter of missing records have been reported to the local Police, and take further necessary action to hold the responsible people accountable. The inquiry should be got conducted urgently and in any case be completed within 35 days from the date of receipt of this order. The information sought for by the Appellant shall be provided by the GP Secretary, immediately if the records could be found. The GP Secretary shall keep the Appellant informed of the action taken in compliance with these orders.**

With the above direction, the Second Appeal is hereby disposed of.

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

Authenticated true copy

Sd/-
Joint Registrar
Assam Information Commission

Memo No. SIC/NGN.121/2018/11-A

Dtd.25.06.2018

Copy to:

1. The SPIO, O/o the Secretary, Gagalmari GP, Gagalmari, Dist.- Morigaon, Assam, Pin- 782 121 for information and necessary action.
2. The Chief Executive Officer, Morigaon Zilla Parishad-cum- PD, DRDA, Morigaon, Assam for information and necessary action.
3. The Commissioner, Panchayat & Rural Development, Assam, Panjabari, Juripar, Guwahati- 37 for information and necessary action.
4. The Block Dev. Officer, Mayong Dev. Block, Morigaon, Dist.- Morigaon, Assam for information and necessary action.
5. The First Appellate Authority/Project Director, DRDA, Morigaon, Dist.- Morigaon, Assam, Pin- 782 105 for information.
6. The Appellant, Sri Mukesh Saikia, Vill- Darangial, PO- Alikuchi, Dist.- Nagaon, Assam, Pin- 782 106 for information.
7. Computer Section for uploading in the Website.
8. Office File.

Joint Registrar
Assam Information Commission