



**OFFICE OF THE
ASSAM INFORMATION COMMISSION**

JONAKEE COMPLEX, SHILPGRAM ROAD, PANJABARI, GUWAHATI- 781037

Phone : (0361) 2332704, 2337900, 2331193 :: Fax : 2332704 :: email : secretary.sicassam@gmail.com

Case No. : SIC/KP(M).546 /2018
Appellant : Sri Harinarayan Pathak
Respondent : The SPIO, O/o the Deputy Commissioner, Kamrup (M),
Guwahati- 781 001
Date of hearing : 06.09.2018
Second Appeal heard by : Sri Pinuel Basumatary, IA & AS (Retd.)
State Information Commissioner, Assam

O R D E R

06.09.2018

Sri Prasanta Pratim Katkhatia, SPIO & Addl. Deputy Commissioner, Kamrup (M), Guwahati is present along with Sri Nirhandra Thaosen, Senior Sub-Registrar, Kamrup (M), Guwahati. A Written Statement dated 28.08.2018 submitted by the SPIO.

The Appellant, Sri Harinarayan Pathak is present.

Heard the Appellant. He submitted that he had not received the information he had sought for through his RTI Application dated 20.11.2017.

Perused the Written Statement and heard the SPIO and the Senior Sub-Registrar. It has been submitted that the RTI Application dated 20.11.2017 received on 21.11.2017 had been transferred to the Senior Sub-Registrar, Kamrup (M), Guwahati through a letter dated 04.12.2017. The First Appeal dated 18.01.2018 was heard on 11.05.2018 by the First Appellate Authority/Deputy Commissioner, Kamrup (M), Guwahati. The Senior Sub-Registrar submitted that the letter cited by the Appellant could not be traced and therefore the information on point numbers 1 - 5 could not be provided and that the search as well as re-organization of office records continued. However, Gift Deed No. 4798/05 dated 07.05.2005 mentioned at point number 6 have been found and a copy can be handed over to the Appellant today during the hearing.

The Senior Sub-Registrar was allowed to hand over the information on point number 6 and the Appellant received the same with an acknowledgment.

The Appellant offered to supply the file number connected with the letter in question so that it might facilitate tracing of the file in which the said letter was dealt with. The SPIO and the Senior Sub-Registrar welcomed the offer.

The Commission observes that instead of transferring the Application to the holder of the information within the same Public authority U/S 6(3) of the RTI Act, 2005 the latter's assistance ought to have been sought U/S 5(4) and 5(5) of the Act.

In view of the facts brought out above, **the Commission hereby orders that the Senior Sub-Registrar, Kamrup(M), Guwahati shall have the records of the office searched systematically by recording detailed result of the process of the search by the individuals deployed on the task and furnish the information as soon as the same is found, and at any rate inform the Appellant within 30 days of receipt of this order the status and outcome of the search.**

The Second Appeal is hereby disposed of. However, the Appellant shall be at liberty to move this Commission, if he is aggrieved with the response of the SPIO.

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).546 /2018

Dtd.06.09.2018

Copy to:

1. The SPIO, O/o the Deputy Commissioner, Kamrup(M), Guwahati- 781 001 for information and necessary action.
2. The Senior Sub-Registrar, Kamrup(M), Guwahati- 1 for information and necessary action.
3. The First Appellate Authority/ Deputy Commissioner, Kamrup(M), Guwahati- 781 001 for information.
4. The Appellant, Sri Harinarayan Pathak, Padumpukhuri, Uzanbazar, Guwahati- 781 001 for information.
5. Computer Section for uploading in the Website.
6. Office File.

Joint Registrar
Assam Information Commission