



**OFFICE OF THE  
ASSAM INFORMATION COMMISSION**

**JONAKKEE COMPLEX, SHILPGRAM ROAD, PANJABARI, GUWAHATI- 781037**

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Case No. : SIC/NLB.5/2017  
 Complainant : Sri Lalchand Ali Ahmed  
 Respondent : The SPIO, O/o the Deputy Commissioner, Nalbari  
 Date of hearing : 14.11.2018  
 Complaint heard by : Sri Pinuel Basumatary, IA & AS (Retd.)  
 State Information Commissioner, Assam

**O R D E R**

14.11.2018

The Appellant/Complainant, Sri Lalchand Ali Ahmed is present.

The SPIO, office of the Circle Officer, Barkhetri Revenue Circle, Narayanpur, Mukalmua absent without information.

Heard the Appellant/Complainant. He submitted that as he had stated in his Complaint he has not been informed as to whether the Deputy Commissioner, Nalbari had complied with the order of the Commission passed dated 28.11.2017.

Perused the case record. It is seen that the Second Appeal dated 20.01.2017 has been heard and orders issued on 24.03.2017, 07.10.2017 and 28.11.2017. The Second Appeal was with regard to the non-furnishing of the information sought for from the said Circle Office through RTI Application dated 04.10.2016 and the information sought for related to compensation paid to the victims of disaster in certain Gaon Panchayats within that Revenue Circle. In the hearing held on 24.03.2017, the SPIO was absent. A Written Statement was received from the Addl. Deputy Commissioner/SPIO, office of the Deputy Commissioner, Nalbari enclosing a letter from the Circle Officer. The Circle Officer had stated in his Statement that documents sought for were not available in the office. No reason for non-availability of the records and action taken, if any, to trace them out and to fix responsibility for their loss, as the case may be, had been mentioned. Considering this submission, the Commission has directed the DC, Nalbari to have the matter investigated and the needful done to have the information furnished to the Appellant, to fix responsibility for the loss of official records, if they were indeed lost, and a system enforced to avoid such loss in the future. On receiving a Complaint from the Appellant about non-compliance with the Commission's order an Action Taken Report was sought from the Circle Officer. However, no such report was received. The Commission held another hearing on 07.10.2017. The SPIO was absent once again. However, the Circle Officer had submitted a Written Statement. In his Written Statement, he has merely conveyed his inability to be present in the hearing and no response was given to the order of the Commission. Further, he had not indicated as to whether the DC, Nalbari had instituted the investigation as required by the Commission and did not refer to the

ATR sought for by the Commission. Another hearing was fixed on 28.11.2017 in which the SPIO/Circle Officer was required to be represent and a compliance report to be submitted by the DC, Nalbari or depute either the SPIO or any of the official conversant with the matter to the hearing. Accordingly, the hearing was held on the appointed date. After the hearing Sri Arup Choudhury, Asstt. Commissioner, Nalbari and Sri Roktim Boruah, Circle Officer, Barkhetri Revenue Circle, Nalbari and the Appellant/Complainant ordered as follows-

.....the allegation of irregularity in a welfare programme, and in public interest, the Commission hereby orders that DC, Nalbari shall take necessary action with reference to its orders dated 24.03.2017 and 07.10.2017 with the amendment that no compliance report be submitted to the Commission and the responsibility for determining the facts relating to loss of official records and of taking appropriate action to fix responsibility and to take corrective action to avoid such loss in the future is left to the DC of the district.

The Second Appeal is hereby disposed of.

In his Complaints dated 06.06.2018 and 30.07.2018 the Appellant/Complainant submitted that he had neither received the information nor any information as to whether the investigation as ordered by the Commission had been conducted. The Commission had issued the earlier orders on the Second Appeal recognizing the fact that the SPIO could not provide the information if the same were not available on record. However, as non-availability of such important records/information in a Public Authority being a matter of concern, the DC, Nalbari had been given the aforementioned direction and the Second Appeal disposed of. **The Commission hereby reiterates the operative portion of the order dated 28.11.2017, reproduced above, and inform the Appellant if any action has been initiated, and inform him the outcome as and such investigation is completed. As ordered in the previous order no compliance report be submitted to the Commission.**

Sd/-

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

Authenticated true copy

Sd/-

Registrar  
Assam Information Commission

**Memo No. SIC/NLB.5/2017**

**Dtd. 14.11.2018**

Copy to:

1. The SPIO, O/o the Deputy Commissioner, Nalbari, Dist- Nalbari, Assam, Pin- 781 335 for information and necessary action.
2. The SPIO/ Circle Officer, Barkhetri Revenue Circle, Narayanpur, Mukalmua, Dist- Nalbari, Assam, Pin- 781 126 for information and necessary action.
3. The Deputy Commissioner, Nalbari, Dist- Nalbari, Assam, Pin- 781 335 for information.
4. The Appellant, Sri Lalchand Ali Ahmed, S/o- Lt. Jamal Uddin, Vill- Damdama Pathar, PO- Rampur, Dist- Nalbari, Assam, Pin- 781 312 for information.
5. Computer Section for uploading in the Website.
6. Office File.

Registrar  
Assam Information Commission