



**OFFICE OF THE  
ASSAM INFORMATION COMMISSION**

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Case No. : SIC/KP(M).724/2019  
Appellant : Sri Harinarayan Pathak  
Respondent : The SPIO, O/o the Registrar of Co-operative Societies, Assam,  
Khanapara, Guwahati- 781 022  
Date of hearing : 27.09.2019  
Second Appeal heard by : Sri Pinuel Basumatary, IA & AS (Retd.)  
State Information Commissioner, Assam

**O R D E R**

27.09.2019

Sri Abhijit Deka, SPIO, office of the Registrar of Co-operative Societies, Assam is present along with Sri Rakesh Hazarika, Dealing Assistant.

The Appellant, Sri Harinarayan Pathak is present.

Through his Written Statement and personal deposition, the SPIO submitted that the RTI Application had been forwarded through a letter dated 10.10.2018 to the Deemed SPIO namely, the Deputy Registrar of Co-operative Societies, Assam (Estt.) of the same office and after issuing of a reminder dated 14.08.2019 the Deemed SPIO's response was received through a letter dated 22.08.2019 and the same was forwarded to the Appellant through a letter dated 26.08.2019. In his response, the ARCS (E), Assam stated that the documents sought for by the Appellant could not be furnished as the same could not be traced. As regards file notings with relevant documents in respect of a particular file no. (No.CE.75/89), it was stated that the same was a personal file and that the documents in question was not in that file. The SPIO further submitted that he could not ascertain from the relevant officials what action had been taken to locate the relevant documents/files as they were pre-occupied with a meeting with the Registrar today.

The Appellant submitted that it was not acceptable that an important letter written by the Government to the Registrar was not on record. Further, he wanted to inspect the personal file as regards query number 3.

The Commission is of the view that merely stating that the official documents could not be traced out is not acceptable and it is violative of the right conferred on citizens by the RTI Act, 2005.

In view of the above, **the Commission, in exercise of powers conferred on it by Section 19 (8) (a) of the RTI Act, 2005 read with Section 25 (5) of the said Act, hereby directs as follows-**

- (a) **The RCS, Assam to cause an inquiry into the matter of non-availability of the documents sought for by the Appellant and the information forwarded to his**

SPIO so that the latter could furnish the same to the Appellant as soon as possible and in any case within 30 days from the date of receipt of this order,

- (b) Should the document in question not be found despite systematic searches, the RCS, Assam to take necessary action to fix responsibility on the relevant officials for causing misplacement of document in question in a time-bound manner,
- (c) The RCS, Assam to evolve a suitable mechanism to monitor movement and disposal of documents and files at all stages and maintenance of records in the office in accordance with the procedure prescribed in this regard, and
- (d) The SPIO in his turn shall furnish the information to the Appellant within 7 days of receipt of the same from the relevant officials/Deemed SPIO of the Department as a result of compliance with the above order.

Further, the SPIO is hereby directed to appoint a specific date and allow inspection of the personal file (No.CE.75/89) to the Appellant and the Appellant shall inspect the same on the appointed date.

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

Sd/-

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

Authenticated true copy



Joint Registrar  
Assam Information Commission

**Memo No. SIC/KP(M).724/2019**

**Dtd.27.09.2019**

Copy to:

1. The SPIO, O/o the Registrar of Co-operative Societies, Assam, Khanapara, Guwahati- 781 022 for information and necessary action.
2. The First Appellate Authority/office of the Registrar of Co-operative Societies, Khanapara, Assam, Guwahati- 781 022 for information.
3. The Appellant, Sri Harinarayan Pathak, Padumpukhuri, Uzanbazar, Guwahati- 781 001 for information.
4. Computer Section for uploading in the Website.
5. Office File.



Joint Registrar  
Assam Information Commission