



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/DRN.39 /2019  
Appellant : Sri Bipul Ch. Sarma  
Respondent : The SPIO, O/o the Commissioner of Excise, Assam,  
Housefed Complex, Dispur, Guwahati- 6  
Date of hearing : 16.10.2019  
Second Appeal heard by : Sri Pinuel Basumatary, IA & AS (Retd.)  
State Information Commissioner, Assam

**O R D E R**

16.10.2019

The Appellant, Sri Bipul Ch. Sarma is present.

The SPIO absent. However, a Written Statement dated 20.09.2019 along with enclosures had been received in the Commission from the SPIO which had been taken on record. A Written Statement dated 20.09.2019 has also been received from the First Appellate Authority.

Perused the Written Statements. The SPIO submitted that the information sought for through RTI Application dated 28.03.2019 was provided through letters dated 29.04.2019 and 27.05.2019. The FAA submitted that as the information had been furnished the Appellant was informed to that effect through a letter dated 17.06.2019 with reference to his First Appeal dated 13.05.2019. The SPIO had informed the Appellant that the information on point numbers 1 and 3 could not be furnished as the relevant records could not be traced possibly owing to the passage of eight years after the conclusion of the recruitment process and shifting of the office. However, regarding point number 3 it was mentioned that the information on the physical measurement of the relevant person had been communicated to the Appellant. The Appellant submitted that the reply given in respect of point numbers 2 and 4 was acceptable to him. However, it was not acceptable to him that the other relevant records could not be traced. As regards the physical attributes of the person concerned a copy of the service book had been furnished to him which contained the height of the person whereas he had sought for a copy of the advertisement that specified the fitness required of the candidates. Further, he alleged that the Public Authority might not be interested in furnishing the information to hide irregularities.

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.

Considering the submissions as 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 Commissioner of Excise, 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 Commissioner of Excise, 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 Commissioner of Excise, 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.

The Second Appeal is hereby disposed of. However, should the Commission receive any complaint from the Appellant that this order has not been complied with, the case will be re-opened and the issue of invocation of penal provisions on the SPIO under the Act shall be considered based on facts brought before the Commission.

Sd/-

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

Authenticated true copy

Sd/-

Joint Registrar

Assam Information Commission

**Memo No. SIC/DRN.39 /2019**

**Dtd.16.10.2019**

Copy to:

1. The Commissioner of Excise, Assam, Housefed Complex, Dispur, Guwahati- 6 for information and necessary action.
2. The SPIO, O/o the Commissioner of Excise, Assam, Housefed Complex, Dispur, Guwahati- 6 for information and necessary action.
3. The First Appellate Authority/ office of the Commissioner of Excise, Assam, Housefed Complex, Dispur, Guwahati- 6 for information.
4. The Appellant, Sri Bipul Ch. Sarma, S/o- Lt. Bhuvan Ch. Sarma, Vill- Gharua Sonapur, PO- Dhekipara, PS- Sipajhar, Dist.- Darrang, Assam, Pin- 784 145 for information.
5. Computer Section for uploading in the Website.
6. Office File.

Joint Registrar  
Assam Information Commission