



**OFFICE OF THE  
ASSAM INFORMATION COMMISSION**

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Case No. : SIC/CCR.42/2020  
 Appellant : Syed Hussain Mazumdar  
 Respondent : The SPIO, O/o the Deputy Commissioner, Cachar  
 Date of hearing : 22.11.2021  
 Second Appeal heard by : Sri Kanak Ch. Sarma  
 State Information Commissioner, Assam

**O R D E R**

22.11.2021

The appellant Syed Hussain Mazumdar vide his e-mail dated 22.11.2021 informs that he is unable to attend today's hearing for illness. He further informs that although he has received a letter from Addl. Deputy Commissioner & Nodal Officer, Dist. NRC Cell on 21.11.2021, the informations so provided with is not satisfactory.

Sri Kamal Baruah, Addl. Deputy Commissioner & SPIO of DC's office, Cachar (NRC Cell) is present and submits a written statement vide letter no. DPMU-316/NRC(P)/2020/RTI/Vol.-1/40 dated 20.11.2021. The DC i/c Cachar has also submitted written statement vide letter no. CART.3/SIC/2020/105 dated 20.11.2021.

Perused the case record. The appellant submitted one petition dated 18.08.2020 under the RTI Act, 2005 by post to the PIO, o/o the DC, Cachar. He did not receive the desired informations within the stipulated period of time for which he submitted 1<sup>st</sup> appeal petition dated 03.09.2020 by post before the 1<sup>st</sup> appellate authority, o/o the DC, Cachar. Thereafter, he received informations against point number 2 of his RTI application from the Election Officer and PIO. In respect of point number 1 of his application, the said PIO replied that it does not pertain to his office. Being aggrieved, the appellant submitted 2<sup>nd</sup> appeal dated 16.12.2020 before the Commission. The ADC, Cachar in his written statement submitted that the RTI petition dated 18.08.2020 of the appellant is not found to have been received by his office. He received the petition along with the 1<sup>st</sup> appeal petition vide letter no. CART.2/(RTI appeal)/2020/Pt./12 dated 09.11.2020 from the ADC, Cachar and i/c RTI Cell. On receipt of the same the appellant was informed as follows-

Reply of point number 1 of the RTI application dated 18.08.2020 reads as follows-

"kindly furnish the cogent reason for which the records of 1951 National Register of Citizens (NRC) of Cachar district have not been preserved or available in the concerned office." In respect of information sought for in point number 1 dated 18.08.2020, the SPIO, o/o the Deputy Commissioner, Cachar, Silchar vide letter no. DPMU-316/NRC(P)/2020/RTI/Vol-1/30 dated 24.08.2021 replied that it can't be considered and stated as follows-

“As per clarification from Govt. of India Office Memorandum vide No.8/2/2010-IR, dated 27.04.2010 in connection with RTI, for reference this to inform you that *RTI act does not cast on the public authority any obligation to answer queries in which a petitioner attempts to elicit answers to his question with prefixes, such as, why, when, what and whether. Petitioner’s right extends only to seeking informations as defined in section 2(f) either by pinpointing the file, documents, paper or record etc. or by mentioning the type of informations as may be available with specified public authority.*”

**It is seen that point number 1 of his petition is a question only which is said to be not maintained as record in the office of the DC, Cachar for which the desired informations could not be furnished.**

**In view of the above, the 2<sup>nd</sup> appeal dated 16.12.2020 is disposed of. However, the SPIO and 1<sup>st</sup> appellate authority of DC’s office, Cachar are directed to act promptly and furnish informations against any petition under the RTI Act, 2005 in future.**

Sd/-  
(Kanak Ch. Sarma)  
State Information Commissioner, Assam  
Panjabari, Guwahati

Authenticated true copy

Sd/-  
Secretary & Registrar  
Assam Information Commission

**Memo No. SIC/CCR.42/2020**

**Dtd.22.11.2021**

Copy to:

1. The Deputy Commissioner, Cachar, Dist.- Cachar, Assam, Pin-788 001 for information.
2. The SPIO, O/o the Deputy Commissioner, Cachar, Dist.- Cachar, Assam, Pin-788 001 for information and necessary action.
3. The First Appellate Authority/office of the Deputy Commissioner, Cachar, Dist.- Cachar, Assam, Pin- 788 001 for information.
4. The Appellant, Syed Hussain Mazumdar, Vill & PO- Barjatrapur, Dist.- Cachar, Assam, Pin- 788 110 for information.
5. Computer Section for uploading the order in the Website.
6. Office File.

  
Secretary & Registrar  
Assam Information Commission