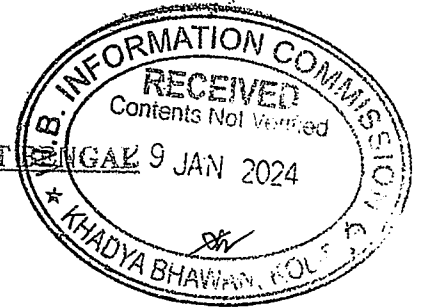


100135/①
30/01/2024

Original

**FORMAT FOR FILING 2ND APPEAL BEFORE WEST BENGAL
INFORMATION COMMISSION
U/S 19 (3) of RTI Act, 2005**

(With Circular No. 337 Dated 18.01.2017)



- 1) Name of the Applicant: Sri Durjodhan Majhi
- 2) Address: Village - Kalipur; P.O. & P.S. - Arsha
District - Purnia; (W.B.); PIN - 723 201.
- 3) Date of filing of application for information under RTI Act
(A self attested copy of RTI application should be attached along with proof of payment of RTI fees i.e. photocopy of the same. In case of BPL category, self-attested photocopy of certificate issued by the competent authority should be attached).
10.4.2023
- 4) Name of State Public Information Officer / State Assistant Public Information Officer to whom the application was made and address: Block Land & Land Reforms Officer, Arsha, at Siskabad, P.O. - Siskabad,
P.S. - Arsha, District - Purnia (W.B.); PIN - 723154
- 5) Gist of the information sought for: Certified copy of R.S. Record of Rights
Schedule: District - Purnia, P.S. - Arsha, J.L. NO - 35;
Mouza - Palpala; R.S. Khatian NO - 778.
- 6) Have you received any response / information?
If so, attach a self-attested copy of the same. The B.L. & L. Ro, Arsha, District - Purnia has supplied me incorrect decision on 21/7/2023
- 7) Date of filing 1st appeal:
(A self attested copy of 1st appeal should be attached).
6/6/2023
- 8) Authority to whom the first appeal was made with address: Additional District
Magistrate & District Land & Land Reforms Officer,
Purnia; P.O. & District - Purnia, W.B.; PIN - 723101
- 9) Decision of the 1st Appellate Authority, if any, including number and date of the order:
(A self-attested photocopy of the order of the 1st Appellate Authority should be attached).
The B.L. & L. Ro, Arsha, District - Purnia is directed to supply
the information sought for within two weeks from the
date of communication of the order as per provisions of R.T.I.
Act, 2005.

10] Grounds for 2nd appeal and the relief sought (specify): Appellant has received an incorrect decision from B.L.82.R.O. Arsha, District Purnia dated 21/7/2023. The B.L.82.R.O. Arsha, District Purnia has not supplied information sought for R.T.I. Application dated 10/4/2023.

11] If 2nd appeal is filed after 90 days from the date on which the decision of the 1st Appellate Authority was received or after 135 days from the date of filing of the 1st appeal, explain the reasons for the delay: The Appellant is a poor farmer, he could not collect the required amount of money in time he could not make himself prepared for file the instant appeal within stipulated period.

I, ~~Dwijendra Singh~~ ^{Nabin Singh} aged 58 years, being an Indian citizen do hereby solemnly affirm that the statements made herein are true to my knowledge based on records and the rest are my submissions to the Hon'ble West Bengal Information Commission.

Place: Purnia

Nabin Singh
Signature of the appellant

Date: 18/11/2024

Nabin Singh
(Name of the appellant)

List of documents to be enclosed :-

- ☒ a) Self attested copy of RTI application;
- ☐ b) Self attested photocopy of proof of RTI fee payment or of BPL status;
- ☒ c) Self attested copy of 1st appeal;
- ☒ d) Self attested copy of all communications / replies received from the public authorities in connection with the instant RTI application;
- ☒ e) 2nd appeal in the format as above.
- ☒ f) Any other documents in support of the 2nd appeal.

Supporting ~~rule~~ ^{rule} CENTRAL INFORMATION COMMISSION
NEW DELHI;

NOTE:

- 1] If incomplete or incorrect information is provided, the 2nd appeal is liable to be rejected.
- 2] Separate 2nd appeal has to be filed in respect of each RTI application.

To

The Ld. District Magistrate & Collector ; Purulia .

(Public Information officer)

P.O. & District - Purulia , (W.B.) .

In the matter of an Application

U/S-6 and 2(j)(ii) of the R.T.I.

Act, 2005.

Sir;

Most respectfully I beg to state that I Shri Durjodhan Majhi S/o Nabin Majhi, resident of Village - Kalipur , P.O. & P.S. Arsha, District Purulia (W.B.) PIN- 723201

I intend to obtain the Certified copy of R.S. Record of Rights the Schedule described in below from Block Land & Land Reforms officer, Arsha, at Sirkabad, P.O.Sirkabad, P.S. Arsha District Purulia (W.B.) .

S c h e d u l e

District Purulia , P.S. Arsha; J.L. No. 35 , Mouza- Palpala ; R.s. Khatian No. 778, Certified copy of all R.S. Plot numbers of R.S. Khatian No. 778.

I therefore request you to kindly to supply me the Certified copy of R.S. Record of Rights above mentioned -d Schedule according to provisions of R.T.I. Act ; 2005 -

10 APR 2023
Amde
That above mentioned schedule certified copy of R.S. Record of Rights does not fall under Section -8 of the R.T.I. Act; 2005 and there is no restrictions of supply the same U/S-6 of the R.T.I. Act, 2005.

Date 10/4/2023

Signature of the Applicant .

Affixed Rs. 10.00
Court fee .

Enclosed :- One original prescribed format for obtain The certified copy of R.S. Record of Rights

Durjadhan Majhi

*By
P.K. Mondal
Ad. No. 12
6/6/2023*

To

The Ld. Additional District Magistrate ;

&
District Land & Land Reforms officer; Purulia .

(Appellate Authority U/S- 19 (I) of the R.T.I. Act; 2005)

P.O. & District Purulia (W.B.).

R.T.I. Appeal No. _____ of 2023 .

In the matter of First Appeal U/S- 19(I)
of the R.T.I. Act, 2005 *on behalf of ore*

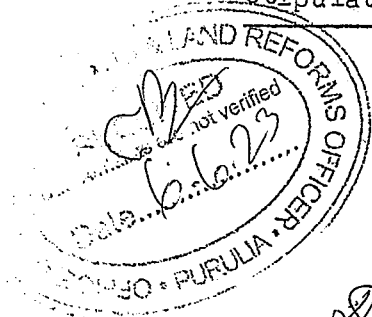
Appellant.

Sir,

The Appellant prefers the instant appeal U/S-19(I) of the R.T.I. Act; 2005.

- 1) Name of Appellant :- Shri Durjadhan Majhi ,
- 2) Father Name :- Nabin Majhi ,
- 3) Address :- Village Kalipur , P.O. & P.S. Arsha, Dist.-
Purulia; PIN- 723201.
- 4) Whether copy of R.T.I. Applications attached :- Yes ,
- 5) Date of R.T.I. Application :- Appellant/ R.T.I. Applicant
has filed a R.T.I. Application on 10/4/2023 before
the Ld. District Magistrate & Collector, Purulia and
the same was sent from Ld. District Magistrate,
Purulia on 17/4/2023 to the B.L. & L.R.O. ; Arsha,
District Purulia , with a direction supply information
directly to applicant within the period to time as

stipulated under R.T.I. Act; 2005.



Contd..... P/ 2.

*Self attested by
Durjadhan Majhi
Appellant*

By *[Signature]* Date 6/6/2023
At *[Signature]* 6/6/2023

6) Name and address of Respondent :-

Block Land & Land Reforms officer ; Arsha ;
At Sirkabad ; P.O. Sirkabad , P.S. Arsha ,
District Purulia (W.B.) PIN-

7) Grounds :-

The Appellant does not received decision
within time (30 days) from B.L. & L.R.O, Arsha , District
Purulia .

8) Prayer :- Certified copy of R.S. Record of R Rights .

S c h e d u l e

District Purulia , P.S. Arsha , J.L.No-35 ;
R.S. Khatian No.778 , Certified copy of all R.S.
Plot ^{number} ~~numbers~~ of R.S. Khatian No.778 .

[Signature]

Signature of the Appellant .

Self attested
[Signature]
Date :- 6/6/2023
Atyadhon Majhi
Offellom

Enclosed ;- (i) Xerox copy of R.T.I. Application dt.10/4/23
ii) Xerox Copy of Reply from Ld District Magistrate ;
Purulia .

ORDER SHEET
(RULE 129 OF THE RECORDS MANUAL, 1917)

Durjodhan Majhi

-Vs.-

BL&LRO, Arsha

Appeal No. - 30 of 2023

Order Sheet, Dated from 12/06/23 to 22/06/23

District: Purulia

Nature of the case: - Proceeding under Section 19(1) of the RTI Act, 2005

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
<p align="center">02 22/06/23</p> <p><i>gm</i> Dictated & Corrected by me</p>	<p>The appeal is taken up today for hearing as per schedule.</p> <p>Ld. Advocate Bibekananda Mahato appears for the appellant and filed haziran.</p> <p>None appears for the respondent.</p> <p>Heard the appellant at length and perused all the material documents placed before me.</p> <p>The Appellant submits that on 10.04.2023, he had applied u/s 6 of the RTI Act before the District Magistrate & Collector, Purulia which was subsequently transferred by the District Magistrate, Purulia vide his office Memo No. 141/G/RTI, Dated 17/04/2023 to the BL&LRO, Arsha, for obtaining certified copy of R.S. Records-of-Right of R.S. Khatian being No.- 778 of Mouza - Palpala, J.L. No.- 35 under P.S. - Arsha, District - Purulia.</p> <p>He further submits that even after the prescribed time period to supply the information as enumerated in the Act is over, no information was provided to him.</p>	

Self attested
Durjodhan Majhi
Appellant

<p><i>gm</i> Dictated & Corrected by me</p>	<p>Being dissatisfied by such inaction from the part of respondent BL&LRO, Arsha; the appellant preferred the instant appeal.</p> <p>Having heard the appellant, I am of opinion that the BL&LRO should not sit idle after getting a petition under RTI Act, which is utter violation of the Act.</p> <p>Hence, the BL&LRO, Arsha is directed to supply the information sought for within two weeks from the date of communication of this order as per provisions of RTI Act.</p> <p>With this the appeal stands disposed of.</p> <p>Let the order be communicated to all concerned.</p> <p>Photostat certified copy of the order, if applied for, be supplied on maintenance of relevant formalities.</p> <p><i>gm</i> Appellate Authority U/S 19(1) of RTI Act, 2005 & ADM & DL&LRO, Purulia</p>	
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*Self attested by
Appellant*

Government of West Bengal
Office of the Block Land & Land Reforms Officer, Arsha
At Sirkabad, P.S.-Arsha, District-Purulia

Memo. No. 219 /BL&LRO/ARS/SKB/23

Dated 21.07.2023

To
Shri Durjodhan Majhi
S/O- Nabin Majhi
Vill- Kalipur
P.O.- Arsha
P.S- Arsha
Dist- Purulia
Pin- 723201
West Bengal.

Sub: Supply of information under Right to Information Act, 2005.

Ref: - Compliance order dated 22.06.23 passed by the 1st Appellant
Authority u/s 19(1) of RTI Act, 2005 and communicated vide
memo no V (RTI)/Appeal-30/2267/Cell/23, dated 14.07.2023.

This is to inform him that as per available scanned copy of R.S. Records of
rights with this Office has been searched and Khatian No. 778, of Mouza- Palpal, J.L
No- 35 has not been found out.

Therefore, the information sought for is presently not available with the public
authority. Hence the same can not be provided as under the provision of the RTI Act, a
public authority is to provide information available with his Office and he is not
supposed to create or collate any information.

This for your information.

W.
21.07.2023
S.A.P.I.O.
&

Block Land & Land Reforms Officer
Arsha, Purulia.
**Block Land & Land
Reforms Officer, Arsha
at.-Sirkabad, Purulia**

Self attested
Durjodhan Majhi
Appellant

Durjodhan Majhi

To

The Hon'ble State Chief Information Commissioner ;
West Bengal Information Commission;
II A; Mirza Galib Street ,
Khadya Bhawan ,
Kolkata - 700087 .

Sri Durjodhan Majhi Appellant .

- Versus -

B.L. & L.R.O. , Arsha SPIO/ Respondent.

In the matter of an Application
U/S-5 of the Limitation Act; 1963
for condonation of delay in filing
the instant 2nd appeal U/S - 19(3)
of the R.T.I. Act; 2005 .

The appellant above named most respectfully state :-

- 1) That the appellant preferred the instant 2nd appeal for non supply of the information sought for from B.L. & L.R.O.; Arsha, District Purulia (W.B.) inspite of order passed by the Ld. A.D.M. & D.L. & L.R.O. / Purulia to supply the information sought for within two weeks from the date of communication of the order being R.T.I. Appeal No 30 of 2023 .

Contd..... P/ 2.

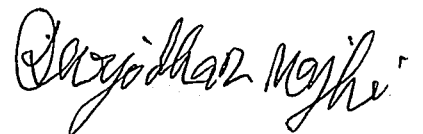
2) That the appellant is poor farmer he could not collect required amount of money in time he could not make himself prepared for filed the instant appeal within the stipulated period .

3) That there was no wilful latches or negligence on the part of the appellant to prefer the instant appeal for non supply information sought for from the B.L. & L.R.O. ; Arsha, District Purulia.

4) That unless the delay in filing the instant appeal be condoned the appellant shall be highly prejudiced and put to loss and injury ;

It is therefore prayed that
your Honour would graciously be pleased
to admit the instant petition and further
be pleased to condone the delay in filing
the instant appeal for the end of
justice .

Date :- 18/1/2024



Signature of the Appellant ,

Durjodhan Majhi

To

The Hon'ble State Chief Information Commissioner ;
West Bengal Information Commission;
IIA; Mirza Galib Street
Khadya Bhawan;
Kolkata - 700087 .

Sri Durjodhan Majhi Appellant ,

- Versus -

B.L. & L.R.O.; Arsha SPIO/ Respondent,

Sir;

I the appellant preferred the instant 2nd appeal
U/S-19(3) of the R.T.I. Act; 2005 for non supply information
sought for from B.L. & L.R.O., Arsha, District Purulia (W.B.) .

1) That the R.S. Record of Rights of Mouza Palpala , J.L.
No-35, P.S. Arsha , District Purulia, R.S. Khatian No- 778 has
been lying in four positions :-

(i) Scanned data copy of R.S. Record of Rights has been
lying in the office of the Additional District Magistrate &
District Land & Land Reforms officer, Purulia .

(ii) K.B. of R.S. Record of Rights has been lying in the
office of the B.L. & L.R.O. Arsha, District Purulia .

(iii) Original manual/ Hand writing copy of R.S. Record of
Rights has been lying in the office of the B.L. & L.R.O. ;
Arsha ; District Purulia (W.B.) .

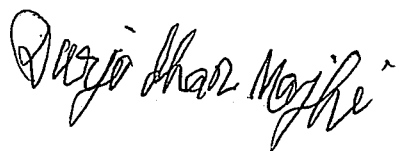
(iv) Scanned data copy of R.S. Record of Rights has been
lying in the office of the B.L. & L.R.O. ; Arsha , District -
Purulia .

Contd..... P/ 2.

- 2) That the B.L. & L.R.O. ; Arsha, District Purulia has not tried to supply information sought for R.T.I. Application dated 10/4/2023 .
- 3) That the Appellant has not received decision and information sought for from B.L. & L.R.O. Arsha , Dist. Purulia within 30 days .
- 4) That the B.L. & L.R.O. ; Arsha , District Purulia has violated the R.T.I. Act; 2005 .
- 5) That unless proved that record was destroyed as per the prescribed rules of destruction retention policy it is deemed that record continues to be held by public Authority. Claim of file missing or not traceable has no legality as it is not recognised as exception by R.T.I. Act; 2005.
- 6) That the information which at some point of time or the other was available in the records of the government should continue to be available with the concerned department unless it has been destroyed in accordance with the rules framed by that department for destruction of old record .

I therefore prayed that your Honour graciously be pleased to pass order to supply the information sought for R.T.I. Application dated 10/4/2023 .

Date :- 18/1/2024


Signature of the Appellant ,

CENTRAL INFORMATION COMMISSION

(Room No. 315, B-Wing, August Kranti Bhawan, Bhikaji Cama Place, New Delhi 110 066)

File No. CIC/DS/A/2013/001788-SA

(Sh. Om Prakash Vs. Land & Building Dept, GNCTD)

Appellant : Shri Om Prakash

Respondent : Land & Building Dep
GNCTD, Delhi

Date of hearing : 21-08-2014

Date of decision : 29-08-2014

Information Commissioner : Prof. M. Sridhar Acharyulu
(Madabhushi Sridhar)

Referred Sections : Sections 3, 19(3) of the RTI
Act

Result : Appeal allowed/
Disposed of

Observation : "Case of Missing File"

Summary:

Unless proved that record was destroyed as per the prescribed rules of destruction/ retention policy, it is deemed that record continues to be held by public authority. Claim of file missing or not traceable has no legality, as it is not recognized as exception by RTI Act. By practice 'missing file' cannot be read into as exception in addition to exceptions prescribed by RTI Act. It amounts to breach of Public Records Act, 1993 and punishable with imprisonment up to a term of five years or with fine or both. Public

Authority has a duty to initiate action for this kind of loss of public record, in the form of 'not traceable' or 'missing'. The Public Authority also has a duty to designate an officer as Records Officer and protect the records. A thorough search for the file, inquiry to find out public servant responsible, disciplinary action and action under Public Records Act, reconstruction of alternative file, relief to the person affected by the loss of file are the basic actions the Public Authority is legitimately expected to perform.

The appellant is present. The Public Authority is represented by Mr. Prakash Chand Meena, Head Clerk, Land and Building Department, GNCTD, Delhi.

FACTS

2. The appellant submitted that through his RTI application dated 4-7-2012, he is seeking information regarding allotment of alternative plot with reference to the respondent authority file No.F-31(12)/2/2002/7075 in lieu of the land acquired by the Government. The PIO has given reply by his letter dated 13-12-2012. The appellant made first appeal before the FAA. Claiming that no information was received from the respondent authority, the appellant has filed 2nd appeal before the Commission.

Decision:

3. Heard the submissions made by both the parties. The respondent officer says that the relevant file is missing and he could not trace it even though he personally inspected the record room of the Lands & Building Department, after receiving the RTI application and also says that there is no possibility of retrieving the missing record.

4. The Commission is of the view that, prima facie, Public Authority cannot deny the right of the appellant to get an alternative plot, by putting forward an excuse of missing the file. The defense of missing file cannot be accepted even under the R.T.I. Act. If the file is really not traceable, it reflects the inefficient and pathetic management of files by the Public Authority. If the file could not be traced in spite of best efforts, it is the duty of the respondent authority to reconstruct the file or develop a mechanism to address the issue raised by the appellant.

5. The Commission feels that lodging of FIR is not the remedy in such cases, as one cannot expect the Police to come to the office and trace the file. According to law, Police does not have any responsibility to trace the missing files, as they will come into picture only when there is theft of the files. It cannot be said that police should come to office and search for the files or things misplaced by negligence or deliberate action or by mistake etc. It is the duty of the PIO to make necessary efforts to trace the file and inform the same to the appellant in the form of an affidavit.

Duty of the public authority

6. The public authority has a duty to designate "Public Records Officer" as per Public Records Act 1993. This Act is made to regulate the management, administration and preservation of public records of the Central Government, Union Territory Administrations, public sector undertakings, statutory bodies and corporations, commissions and committees constituted by the Central Government or a Union Territory Administration and matters connected therewith or incidental thereto.

7. The definition of "Public Records" U/S 2(e) of Public Records Act, 1993 (PRA 1993) is almost identical with the definition of Records under the RTI Act 2005. These Records can be sought under the RTI Act, 2005 as "Information" through RTI Application.

S 5 (1) Every records creating agency shall nominate one of its officers as records officer to discharge the functions under this Act.

Sec 6(1) The records officer shall be responsible for -

- proper arrangement, maintenance and preservation of public records under his charge;
- periodical review of all public records and weeding out public records of ephemeral value;
- appraisal of public records which are more than twenty-five years old in consultation with the National Archives of India or, as the case may be, the Archives of the Union territory with a view to retaining public records of permanent value;
- destruction of public records in such manner and subject to such conditions as may be prescribed under sub-section (1) of section 8;
- compilation of a schedule of retention for public records in consultation with the National Archives of India or, as the case may be, the Archives of the Union Territory;
- periodical review for downgrading of classified public records in such manner as may be prescribed;
- adoption of such standards, procedures and techniques as may be recommended from time to time by the National Archives of India for improvement of record management system and maintenance of security of public records;
- compilation of annual indices of public records;
- compilation of organizational history and annual supplement thereto;
- assisting the National Archives of India or, as the case may be, the Archives of the Union territory for public records management;
- submission of annual report to the Director General or, as the case may be head of the Archives in such manner as may be prescribed;
- transferring of records of any defunct body to the National Archives of India or the Archives of the Union Territory, as the case may be, for preservation.

Sec 7(1) The records officer shall, in the event of any unauthorized removal, destruction, defacement or alteration of any public records under his charge, forthwith take appropriate action for the recovery or restoration of such public records.

S 9. Whoever contravenes any of the provisions of section 4 or section 8 shall be punishable with imprisonment for a term which may extend to five years or with fine which may extend to ten thousand rupees or with both.

The public records act and rules ban government departments from destroying documents that are more than 25 years old, unless they have been "appraised".

8 The National Archives of India, under the Culture Ministry, and similar bodies at the State level are required to keep tabs on "public records", and help government departments separate worthless files from those that must be saved.

9 The documents considered to be of "permanent nature" — but no longer required by the department which created them — are then shifted to the archives for safekeeping. There, they can be seen by research scholars.

10 Loss of records that are required to be kept and maintained permanently, if considered as evidence in a case, its missing should invite criminal complaint against officials under sections 201 of IPC (punishable with imprisonment which is directly proportional to seriousness of offence charged from 7 years to 10 years and for life).

11 If these files are part of public record and forms evidence in any case, its destruction would be a serious crime of destruction of evidence. Otherwise also it brings in the liability under Public Records Act 1993 which can extend to imprisonment up to five years and up to fine of Rs 10,000. Reading Right to Information Act, 2005 with Public Records Act, 1993 and Indian Penal Code, will lead to serious consequences for those who lose the records, besides the disciplinary action from the top administration.

12 Hon'ble Delhi High Court in Union Of India Vs. Vishwas Bhamburkar [2013(297)ELT500(Del.)] with regard to the plea of the Respondent authority of record being not traceable, has observed as follows :

"5. The Right to Information Act is a progressive legislation aimed at providing, to the citizens, access to the information which before the said Act came into force could not be claimed as a matter of right. The intent behind enactment of the Act is to disclose the information to the maximum extent possible subject of course to

certain safeguards and exemptions. Therefore, while interpreting the provisions of the Act, the Court needs to take a view which would advance the objectives behind enactment of the Act, instead of taking a restrictive and hyper-technical approach which would obstruct the flow of information to the citizens.

6. This can hardly be disputed that if certain information is available with a public authority, that information must necessarily be shared with the applicant under the Act unless such information is exempted from disclosure under one or more provisions of the Act. It is not uncommon in the government departments to evade disclosure of the information taking the standard plea that the information sought by the applicant is not available. Ordinarily, the information which at some point of time or the other was available in the records of the government, should continue to be available with the concerned department unless it has been destroyed in accordance with the rules framed by that department for destruction of old record. Therefore, whenever an information is sought and it is not readily available, a thorough attempt needs to be made to search and locate the information wherever it may be available. It is only in a case where despite a thorough search and inquiry made by the responsible officer, it is concluded that the information sought by the applicant cannot be traced or was never available with the government or has been destroyed in accordance with the rules of the concerned department that the CPIO/PIO would be justified in expressing his inability to provide the desired information. Even in the case where it is found that the desired information though available in the record of the government at some point of time, cannot be traced despite best efforts made in this regard, the department concerned must necessarily fix the responsibility for the loss of the record and take appropriate departmental action against the officers/officials responsible for loss of the record. Unless such a course of action is adopted, it would be possible for any department/office, to deny the information which otherwise is not exempted from disclosure, wherever the said department/office finds it inconvenient to bring such information into public domain, and that in turn, would necessarily defeat the very objective behind enactment of the Right to Information Act.

7. Since the Commission has the power to direct disclosure of information provided, it is not exempted from such disclosure, it would also have the jurisdiction to direct an inquiry into the matter wherever it is claimed by the PIO/CPIO that the information sought by the applicant is not traceable/readily traceable/currently traceable. Even in a case where the PIO/CPIO takes a plea that the information sought by the applicant was never available with the government but, the Commission on the basis of the material

available to it forms a prima facie opinion that the said information was in fact available with the government, it would be justified in directing an inquiry by a responsible officer of the department/office concerned, to again look into the matter rather deeply and verify whether such an information was actually available in the records of the government at some point of time or not. After all, it is quite possible that the required information may be located if a thorough search is made in which event, it could be possible to supply it to the applicant. Fear of disciplinary action, against the person responsible for loss of the information, will also work as a deterrence against the willful suppression of the information, by vested interests. It would also be open to the Commission, to make an inquiry itself instead of directing an inquiry by the department/office concerned. Whether in a particular case, an inquiry ought to be made by the Commission or by the officer of the department/office concerned is a matter to be decided by the Commission in the facts and circumstances of each such case."

13. Based on the above discussion, the Commission thus holds: Unless proved that record was destroyed as per the prescribed rules of destruction/ retention policy, it is deemed that record continues to be held by public authority. Claim of file missing or not traceable has no legality as it was not recognized as exception by RTI Act. By practice 'missing file' cannot be read into as exception in addition to exceptions prescribed by RTI Act. It amounts to breach of Public Records Act, 1993 and punishable with imprisonment up to a term of five years or with fine or both. Public Authority has a duty to initiate action for this kind of loss of public record, in the form of 'not traceable' or 'missing'. The Public Authority also has a duty to designate an officer as Records Officer and protect the records. A thorough search for the file, inquiry to find out public servant responsible, disciplinary action and action under Public Records Act, reconstruction of alternative file, relief to the person affected by the loss of file are the basic actions the Public Authority is legitimately expected to perform.

14. The Commission, therefore, deems Public Authority as continuously holding the information, until and unless they prove that the information was destroyed in accordance with the existing rules provided for the same. Any claim of defense that the file is missing without

any efforts to trace the same, would amount to denial of information which can be dealt with as per Section 20 of Right to Information Act, 2005.

15. It is the duty of the Public Authority to find out the alternative, if the file could not be traced even after thorough search and to provide necessary relief to the appellant who is seeking information about his right to get alternative plot, in lieu of the land acquired by the Government during 1986-87, Shapur Village, Kapashera Revenue District, Delhi.

16. The Commission therefore directs the PIO to file an affidavit with the Commission, regarding the time and date of efforts made to trace the files, fact of fixing responsibility for the missing file, and what relief is proposed to be given to the appellant etc. within 15 days from the date of receipt of this order, by endorsing a copy to the appellant. The Commission also directs the PIO concerned to show cause why maximum penalty cannot be imposed against him for not responding properly to the RTI application within the time period. His explanation should reach the Commission within 3 weeks from the date of receipt of this letter.

17. The Commission also recommends to the Public Authority to consider this issue seriously, as this Commission has been hearing excuse of missing files on many occasions and also to initiate action under Public Records Act 1993 against responsible persons. The Public Authority should see that the main purpose of RTI Act to facilitate the appellant to get information, is not defeated by this kind of excuses.

18. The Commission orders accordingly.

(M. Sridhar Acharyulu)
Information Commissioner

Authenticated true copy

(Babu Lal)
Deputy Registrar

Address of the parties:

1. The CPIO under RTI, Govt. Of NCT of Delhi,
Lands and Building Department (Alternative Branch),
Vikas Bhawan, IP Estate, NEW DELHI-110002
2. Shri Om Prakash
H.No.133, Sector-04,
Gurgaon, HARYANA
3. The Additional Secretary (Lands & Buildings) and First
Appellate Authority under RTI, Lands and Building Department
B-Block, Vikas Bhawan,
IP Estate, New Delhi-110002

Hearing on 27-01-2026

State Chief Information Commissioner West Bengal < scic-wb@nic.in >

Tue, 30 Dec 2025 3:19:21 PM +0530

To "bllropara"<bllropara@gmail.com>,"RAJAT NANDA"<dm-pur-wb@nic.in>

Please find the attachment, for further details visit our website

West Bengal Information Commission

1 Attachment(s)

WBIC-RTI-A-100135-283-2024...

16 KB