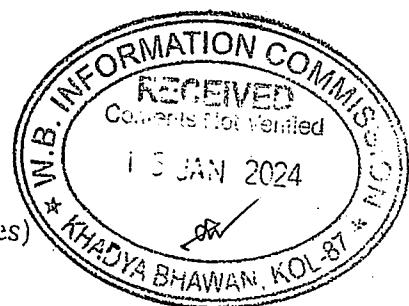


100083/(c)
16/01/2024

original



Complaint/Appeal Format

(To be submitted in quadruplicate along with all enclosures)

1. Name of the Complainant / Appellant
(Block letters):

SHRI GURUPADA KUIRY

2. Address
(Block letters):

VILLAGE & P.O.-CHAKOLTORE, P.S.-PURULIA (M)
DISTRICT-PURULIA, W.B., PIN-723101

3. Telephone No. (if any):

4. Whether copy of RTI application is attached /: Yes.

Date of application

23/3/2023

5. Whether prescribed application fee was attached with / affixed on the RTI application: Yes.

6. Whether copy of 1st appeal u/s 19(1) is attached :

(For filing appeal only) / Date of 1st appeal

7. Name and address of the S.P.I.O. with his/her Telephone No. (if any): Deputy Collector,

Record Room, Purulia, P.O. & Dist. Purulia (W.B) PIN-723101

8. Name and Address of the 1st Appellate Authority with his / her Telephone No. (if any) : (For filing appeal only)

9. Prayer or Relief sought: certified copy of C.S. Record of Rights

Schedule - District Mankhum (Purulia) P.S. Purulia (M)

10. Grounds for the prayer or relief: The Deputy Collector, Record Room, Purulia has supplied me incorrect information. ~~and unless proved~~ unless Proved

that record was destroyed as per the prescribed rules of destruction

11. Any other information which the complainant/appellant intends to strengthen to be held by Public Authority.

Pl. check, 1st appeal not filed whereas certified copy of records sought for. Also, mis-interpretation of the reply of the S.P.O.

12. Whether self attested: Yes

13. Page numbering: 8 (Eight)

14. All index of the documents referred in the complaint/appeal:

- (i) Xerox copy of R.T.I. Application dated 23/3/2023,
- (ii) Xerox reply copy from Deputy Collector, Record Room, Purulia.
- (iii) Xerox copy of Supporting Ruling from N.W.D.L.H.T. File No. C.I.C./D.S.I.A/2013/0017882-S.

Verification by the complaint/appellant

"I, Shri Gurupada Ray
S/O/D/o late Brijoy Ray, aged about 58 years
being an Indian citizen do hereby solemnly affirm that the statements made in my
above complaint / appeal are true to my knowledge based on records and the rest
are my humble submissions to the Hon'ble West Bengal Information Commission."

Place: Purulia

Date: 4/1/2024

4/1/2024

Signature of the complainant/appellant

To

The 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 I Shri Gurupada Kuiry S/o Late Bijoy Kuiry , resident of Village & P.O. Chakoltore, P.S. Purulia(M), District Purulia (W.B.)^{PIN-723101}. I intend to obtain the Certified copy of C.S. Record of Rights the Schedule described in below from Deputy Collector; Record Room ; Purulia, P.O. & District Purulia (W.B.) .

Schedule

District Purulia; P.S. Purulia(M), J.L. No.350; Mouza - Chakoltore; C.S. Khata No- 168 ; C.S. Plot No. 2167.

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

The above mentioned Schedule the Certified copy of C.S. Record of Rights does not fall under Section 8 of the R.T.I. Act, 2005 and there is no restrictions of supply U/S-6 of the R.T.I. Act; 2005 .

Affixed;

Rs. 10.00 Court fee .

Date:- 23/3/2023

Signature of the Applicant .

Self addressed by Complainant

5/30/2023

4/1/2024

Speed Post

*Government of West Bengal
Office of the District Magistrate, Purulia
Record Room Section*

Memo.No 35 /RR

Dated 25/04/2023

To

Shri Gurupada Kuiry,
S/o Late Bijoy Kuiry,
Vill.& P.O.-Chakoltore,
P.S.- Purulia (M),
Dist. Purulia,
Pin : 723101

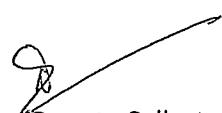
*Sub:- Your application regarding Right To Information Act, 2005
dated 23.03.2023.*

Ref:- D.M.'s Memo. No.120/G/RTI dated 29.03.2023,

With reference to the subject noted above, this is to inform you that above mentioned application has been received by this office regarding certified copy of C.S. Record.

This office is unable to supply the information regarding District Purulia, P.S. Purulia (M), J.L.No. 350, Mouza – Chakoltore, C.S. Khatian No. 168, C.S. Plot No. 2167 as these record are in torn condition.

This is for your information.


Record Room Deputy Collector,
Purulia

Memo.No 35/1 /RR

Dated 25/04/2023

Copy forwarded to the Officer-in-charge, General Section for information and necessary action. This has reference to his memo no. 120/G/RTI dated 29/03/2023.


Record Room Deputy Collector,
Purulia.

*Self addressed by
Complainant
29/03/2023
4/1/2024*

To

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

Shri Gurapada Kuiry Appellant

- Versus -

Deputy Collector ;
Record Room; Purulia S.P.I.O.

Sir,
I the complainant of this 2nd appeal .
Most respectfully state :-

- 1) That I the complainant preferred the complaint U/S 18 of the R.T.I. Act; 2005 for non supply information Sought for from Deputy Collector, Record Room; Purulia P.O. & Dist.- Purulia (W.B.) .
- 2) That the Deputy Collector ; Record Room Purulia has supplied me incorrect information and he is not tried to supply sought for information .
- 3) 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.

I therefore prayed that your

Honour graciously be pleased to pass order to supply the sought for information according to provisions of R.T.I. Act, 2005.

5/3/2024
DR 823

Date :- 4/1/2024

Complainant
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 Depoartment, 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 RTI 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 14-01-2026

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

Mon, 29 Dec 2025 3:57:14 PM +0530

To "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-C-100083-1175-202...

15.8 KB

D.NO - 45 (ATR)
08/01/26

Link.D.NO -

Submission of report against complaint no. 100083 of 2024

< ocrecordroomprl@gmail.com >

Thu, 08 Jan 2026 1:04:29 PM +0530

To "scic-wb" <scic-wb@nic.in>

Tags Not in Contacts

Sir / Madam,

Please find this attachments.

Yours faithfully,

Deputy Collector Record Room,
Purulia

1 Attachment(s)

Submission of report against c...

309.2 KB

Hearing - 14/01/2026
1'SQIC

(SK)

Government of West Bengal
Office of the District Magistrate, Purulia
Record Room Section

Memo No. O/1 /RR

To
Rupak Bhattacharjee,
Section Officer,
West Bengal Information Commission,
Khadya Bhaban,
11A, Mirza Galib Street,
Kolkata - 700 087

Sub:- Submission of Report against Complaint No. 100083 of 2023.

Ref:- Yours Memo. No. 6735-WBIC/RTI/C/100083/1175/2024 dated

Sir,

In context with the matter cited under reference, the undersigned has received the following queries received from the appellant i.e. Shri Gurupada Kulkary, Vill. Purulia(M), Dist. Purulia received at this end and reply given to him.

Sl. No.	Date of Receiving	Information asked	Reply given
1.	30.03.2023	Application enclosed	Reply enclosed

Also, copies of above Queries and related replies are enclosed for your perusal.

Enclo : As stated (3rd sheets)

Speed Post

Government of West Bengal
Office of the District Magistrate, Purulia
Record Room Section

Dated 25/04/2023

1.	1.
S.	Y.
S.	Y.
V.	ore,
P.S.	
D.	
P.	

Sub:- Your application regarding Right To Information Act, 2005
dated 23.03.2023.

Ref:- D.M.'s Memo. No.120/G/RTI dated 29.03.2023.

...re (a) the subject noted above, this is to inform you that above mentioned
and
... received by this office regarding certified copy of C.S. Record.

unable to supply the information regarding District Purulia, P.S. Purulia (M), J.L.No. 350, G.S. Khatian No. 168, C.S. Plot No. 2167 as these record are in torn condition. For information.

Record Room Deputy Collector
Purulia

Dated 25/04/2023

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This

ded to the Officer-in-charge, General Section for information and necessary action.
to his memo no. 120/G/RTI dated 29/03/2023

Record Room Deputy Collector,
Purulia.



Government of West Bengal
Office of the District Magistrate.
General Section

20/3/12
Memo No. 120 /G/RTI

To.
The Deputy Collector,
Record Room,
Purulia

Sub- Right to Information Act, 2005.

Ref- Application submitted by Gurupada

Enclosed please find herewith one application submitted
Kuiry, Vill. + P.O.- Chakoltore, P.S.- Purulia (M), Dist-
reference.

You are requested to arrange to supply information within
of time as stipulated under R.T.I Act 2005, with a copy of the same

Enclo. As stated

Memo No. 120A /G/RTI

Copy forwarded to Gurupada Kuiry, S/O- Late Bijoy Kuiry
(M), Dist- Purulia, Pin- 723101, for information.

1165
28.03.23
ADM (Gen.) CA Section
Mocket No. 1984.....
Date 24.3.23

New
District Magistrate
Purulia

Substrate & Collector; Purulia
(Public Information Officer)
- Purulia (W.B.) .

In the matter of an Application

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

Act; 2005.

Actfully I beg to state I Sri Gurupada Kulry S/o
_____, resident of Village & P.O. Chakoltore, P.S.
_____, District Purulia (W.B.) . I intend to obtain the
copy of C.S. Record of Rights the Schedule described
below Deputy Collector; Record Room ; Purulia, P.O. &
_____, (W.B.) .

Schedule

_____, P.S. Purulia(M), J.L. No. 330; Mouza -
_____, Khata No- 168 ; C.S. Plot No. 2167.

I therefore request you to
kindly to supply me the Certified
copy of C.S. Record of Rights
above mentioned Schedule accord-
ing to provisions of R.T.I. Act,
2005.

_____, mentioned Schedule the Certified copy of C.S.
rights does not fall under Section 8 of the
R.T.I. Act 2005 and there is no restrictions of supply
under R.T.I. Act; 2005 .

_____, fee .

_____, Signature of the Applicant .

_____, 21/3/2023