

Telangana State Information Commission

(Under Right to Information Act, 2005)
D.No.5-4-399, Samachara Hakku Bhavan (Old ACB Building),
Mojam-jahi-Market, Hyderabad - 500001.
Phone: 24740155 Fax: 24740592

Appeal No: 9711/SIC-SK/2020

Date: - 17-09-2021

Appellant : Sri N. Ramachandraiah,
Mancherial District.

Respondents : Public Information Officer
(U/RTI Act, 2005)
O/o the Tahsildar, Nennel Mandal,
Mancherial District.

First Appellate Authority
(U/RTI Act, 2005)
O/o the Revenue Divisional Officer,
Bellampalli Division,
Mancherial District.

Order

Sri N. Ramachandraiah, Mancherial District has filed 2nd appeal dated: 18-11-2020 which was received by this Commission on 21-11-2020 for not getting the information sought by him from the PIO / O/o the Tahsildar, Nennel Mandal, Mancherial District and 1st Appellate Authority / O/o the Revenue Divisional Officer, Bellampalli Division, Mancherial District.

The brief facts of the case as per the appeal and other records received along with it are that the appellant herein filed an application dated: 14-07-2020 before the PIO requesting to furnish the information under Sec. 6(1) of the RTI Act, 2005, on the following points mentioned in his application:

- ① 169/2 డిమాండ్ రాజ్‌లూమర్ వారి నాణ్యత పేరిట వివిధ ఆధారాలు బతవంపా పట్టణ పోలిస్ వాటా సర్టిఫికేట్ ఇవ్వాలి అనేది అంపించగలరు.
 - ② పట్టణ పోలిస్ ఠాణ, ఏ.ఎ.ఆర్, ఏ.ఎ.ఆర్ ఆఫీసర్ల వద్ద పట్టణ పోలిస్ ఠాణ అంపించగలరు.
 - ③ 169/2 - డిమాండ్ రాజ్‌లూమర్ వారికి అందించేటట్లు ఫారం 7A, 1B రిజిస్టర్ సర్టిఫికేట్ ఇవ్వాలి అంపించగలరు.
 - ④ 169/2 - డిమాండ్ రాజ్‌లూమర్ వారికి పట్టణ పోలిస్ ఫైలు ఇవ్వాలి అంపించగలరు.
 - ⑤ టాప్ ట్రాన్స్ పు కమిషన్ పట్టణ పోలిస్ కు కేసు వ్యాపారముల కేసులకు సందర్భాలకు తెలియజేయగలరు.
5(1) - కేసునాలు ద్వారా
5(2) - రిజిస్ట్రేషన్ ద్వారా
5(3) - నాణ్యతాపాత ద్వారా
5(4) - గిట్ల ద్వారా
5(5) - గిట్ల ద్వారా
 - ⑥ టాప్ ట్రాన్స్ పు కమిషన్ పట్టణ పోలిస్ కు కేసు వ్యాపారముల తెలియజేయగలరు.
- Note: - డిమాండ్ రాజ్‌లూమర్, పట్టణ పోలిస్ సంబంధించిన కేసులకు సమాచారం సంతృప్తిగా అందించబడింది.

Stating that the appellant did not receive the information from the PIO, the appellant filed 1st appeal dated: 15-09-2020 before the 1st Appellate Authority requesting him to furnish the information sought by him u/s 19(1) of the RTI Act.

Stating that the appellant did not get the information from the PIO / 1st Appellate Authority even after 30 days of filing his 1st appeal, he preferred this 2nd appeal before this Commission requesting to take action against the PIO and 1st Appellate Authority for not furnishing information sought by him and also to arrange to furnish the information sought by him u/s 19(3) of the RTI Act, 2005.

In view of the above, the 2nd appeal may be taken on file and Notices issued to both the parties for hearing on 17-09-2021 at 12:00 P.M.

The case is called on 17-09-2021. The appellant is present and stated that the PIO has furnished incomplete information. Sri. V. Chandra Mouly, Typist is present on behalf of the PIO / Sri Shaik Hameed Ahmed, Deputy Tahsildar, Nennal Mandal, Mancherial District stating that the available information for point No: 2 & 5 was furnished vide letter No: B/425/2020 dated: 26-08-2020 and the remaining information for Point No: 1, 3 & 4 are not available. The PIO filed a copy of the same before the Commission.

Heard both the parties and perused the material paper available on record and observed that the appellant filed 6(1) application dated: 14-07-2020 seeking information on 6 points.

Informing that the file is not available does not absolve the PIO / Deputy Tahsildar, Nennal Mandal, Mancherial District for his responsibility in furnishing information. The PIO should either trace out the files or rebuild the records, it is the responsibility of the Public Authority for disappearance of the file relating to lands which are normally permanent records.

The Public Authority should ensure the existing department instructions regarding handing over and taking over files of the office to the incoming officers while signing CTC. Thus the Public Information Officer should possess the list of permanent records / files handed over to him during the taking over charge of the office.

In the instant case the appellant is seeking information about the documents submitted for change of ownership name to some other person in the revenue records and the Revenue Officials cannot escape from their obligations by saying that the records are not traceable.

The revenue records are important documents and they are supposed to be retained over longer periods. Keeping in mind the interest of the people, they are also supposed to properly index and take utmost care for their retention. In case of destruction of the records, the Public Information Officer should be able to furnish particulars of destruction i.e. year of destruction with proof. The Public Information Officer should also indicate the retention period of the above referred permanent files.

The reply given by the Public Information Officer in the instant case goes to show gross negligence on the part of Revenue Officials and therefore it is desirable that the Revenue Divisional Officer who are the officers responsible for implementing RTI in the district also should ensure that records are well maintained and also to fix responsibility for missing records.

The Revenue Divisional Officer, Nennal Mandal, Mancherial District is directed to fix the responsibility and take action against the concerned Officers for causing disappearance of the records under the Civil Services (Conduct & Classification) Appeals Rules for the missing files.

The Commission took a serious view and directs to issue **Show Cause Notice** to the present PIO and the then PIO / Sri Shaik Hameed Ahmed, Deputy Tahsildar, Nennal Mandal, Mancherial District for not furnishing the complete information to the appellant within the stipulated period of 30 days as per Section 7(1) of the RTI Act 2005. The action on the **Show Cause Notice** will be dealt separately.

The Commission directs the PIO to trace out the complete records and furnish the complete information to the appellant within Two (2) weeks through Registered post acknowledgement due and to report compliance to the Commission.

With the above direction, the appeal is closed.

SYED KHALEELULLAH
STATE INFORMATION COMMISSIONER

Authenticated by:

Section Officer

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