

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: 247405928

Complaint No: 219/SIC-SK/2022

Date: 17-08-2022

Complainant : Sri Sultan Ahmed Bamahdi,
Nizamabad District.

Respondent : Public Information Officer
(U/RTI Act, 2005)
O/o the Revenue Divisional Officer,
Kamareddy Division,
Kamareddy District.

Order

Sri Sultan Ahmed Bamahdi, Nizamabad District has filed a Complaint dated: 01-01-2022 which was received by this Commission on 04-01-2022 for not getting the information sought by him from the PIO / O/o the Revenue Divisional Officer, Kamareddy Division, Kamareddy District.

The brief facts of the case as per the Complaint and other records received along with it are that the Complainant herein filed an application dated: 02-12-2021 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 annexed.

2) Details of the {114} words ~~112~~ Copies of the complete of information desired Current File, Note File, Link herein. (within 500 words files, link papers, Gift deeds limits prescribed under documents, , proceedings Rule 3 of RTI Rules 2012] otherwise orders relating to / whereby & on the weight of which title of ownership of Ac 0-155 Gts of land in Survey No. 57/2000 /1/1 of shivar Padmajiwada has been transferred / granted in

and more few points.

Stating that the PIO has not furnished the required information even after 30 days of filing his application, he preferred this Complaint before the Commission requesting to arrange to furnish the information sought by him u/s 18(1) of the RTI Act, 2005.

In view of the above, the Complaint was taken on file and Notices issued to both the parties for hearing on 17-08-2022 at 12.00 P.M.

The case is called on 17-08-2022. The complainant is absent, but filed his affidavit stating that the PIO has not furnished the information. The PIO / Sri P. Anand Kumar, Divisional Administrative Officer, O/o the Revenue Divisional Officer, Kamareddy Division & District is present and filed his affidavit stating that reply was given to the complainant vide letter No: A4/489/2021 dated: 11-11-2021 and filed copy of the letter before the Commission.

On perusal of the material papers available on record and the PIO reply dated: 11-11-2021 the Commission observed that the PIO has informed that the information sought is not available. Informing that the file is not available does not absolve the PIO / Sri P. Anand Kumar, Divisional Administrative Officer, O/o the Revenue Divisional Officer, Kamareddy Division & 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 complainant is seeking certain information 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 Collector, DRO 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 District Revenue Officer, Kamareddy 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 directs to issue **Show Cause Notice** to the present PIO / Sri P. Anand Kumar, Divisional Administrative Officer, O/o the Revenue Divisional Officer, Kamareddy Division & District and the then PIO / Divisional Administrative Officer, O/o the Revenue Divisional Officer, Kamareddy Division & District not furnishing the information to the complainant with the stipulated period of 30 days. The action on the **Show Cause Notice** will be dealt separately.

The Commission directs the PIO / Divisional Administrative Officer, O/o the Revenue Divisional Officer, Kamareddy Division & District to trace out the records and furnish the complete information as sought by the complainant through his 6(1) application dated: 02-12-2021 within Two (2) Weeks from the date of receipt of this order through Registered post with acknowledgement due and to report compliance to the Commission.

With the above direction, the complaint is closed.

**SYED KHALEELULLAH
STATE INFORMATION COMMISSIONER**

Authenticated by:

**Section Officer
Copy to: SO / SF / OC**

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