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RTI Application for Missing File or Record 1

RTI Application for Missing File or Record

[Insert, SampleRTI](#)



In a large number of cases, when information is sought under RTI, the Public Information Officers evade to supply *information* under the plea that the concerned file or record is/are “missing” or “not traceable”.

Unless proved that record was destroyed as per the prescribed record continuoso / retention the 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. Such contention of ‘missing file’ cannot be read into as exception in adthe dition 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.

In such cases, the Applicant must submit first appeal before the designated First Appellate Authority on above grounds. Simultaneously, applicant / appellant can file another RTI Application with same PIO as per following sample –

BY SPEED POST

To

The Public Information Officer
[Name of Public Authority]
[Full Address]
[Pin Code]

Sub: Request for information under Section-6(1) of RTI Act.

Sir,

I had filed RTI Application dt and sought certified copy of You have decided the same vide communication dated and advised that the concerned 'record / file is missing'. Copy of your communication dated is enclosed herewith for ready reference. In this connection, please supply following information.

OR

I had filed RTI Application dt and sought certified copy of which proceedings culminated to Second Appeal and the SIC ordered to trace and supply information. Copy of RTI request and SIC order is attached herewith for ready reference. In this connection, please supply following information.

(delete whichever situation is not applicable or modify as required)

Particulars of Information sought:

- [1] Name and designation of the custodian of the allegedly missed file/record.
- [2] Please inform me the date on which it was noticed that the file/record is/was missing.
- [3] Certified copy of the Police Complaint lodged by your office regarding missing of the file/record.
- [4] In case no Police Complaint was/is filed by the public authority into the incident of Missing of the file/record in question, please supply me the note sheet containing notings by various officials and decision of competent authority for not lodging Police Complaint in such a serious incident of missing of record/file.
- [5] Details of steps taken and action initiated by your public authority to trace out the missing file/record.
- [6] Name, designation and office address of the officer / staff who handled the said file/record before its missing.
- [7] Certified copy of the report of internal investigation made by your public authority into the incident of Missing of the file/record.
- [8] In case no investigation is made by your public authority into the incident of Missing of file/record, please supply me the note sheet containing notings by various officials and decision of competent authority for not investigating such a serious incident of missing of file.
- [9] Please inform me the name, designation and office address of the officers, whose assistance sought by CPIO in connection with taking decision and supplying information requested in this RTI Application under section-5(4) read with 5(5) of the RTI Act.
- [10] Please inform me the Name, designation, office address and phone numbers of the persons who destroyed/disposed of the above-mentioned Public Records.

[11] Please inform me the Name, designation, office address and phone number of your department's Records Officer appointed as per Public Records Act and Rule 3 of Public Record Rules

[12] Certified copy of the Pages of Standing Guard file (maintained by Records Officer as per Rule 4 of Public Records Rules) which refers to the document or file that has supposedly been disposed off.

[13] Certified copy of the List of destroyed records maintained as per Rule no. 9(3) of Public Record Rules.

[14] Certified copy of all pages of correspondence with reference to the destruction and disposal of above mentioned file / public records.

RTI Application of Rs.10/- paid /enclosed as*

Please send the information to my below address by Registered post.

Yours faithfully,

Signature

Name

Address

PIN Code

Date:

Encl: As above.

[*Affixing Court Fee Stamp on this application / Attaching Indian Postal Order payable to the Accounts Officer, payable at [Check RTI Application Format (if any for your State) and acceptable mode of payment of RTI Application Fee from Centre/State RTI Rules as applicable to the public authority]

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