

**Case No.** : SIC/KP(M).340/2020  
**Complainant/ Appellant** : Shri Diganta Barman  
**Respondent** : SPIO, Office of the Executive Engineer, Soil Research Division, Water Resource Department, Basistha, Guwahati Assam, PIN-781029, Assam  
**Date of Hearing** : 08-02-2021  
**Complaint/ Second Appeal heard by** : Shri Samudra G. Kashyap.  
State Information Commissioner, Assam

**O R D E R**  
**08-02-2021**

1. The appellant Shri Diganta Barman is present.
2. The SPIO, O/o the Executive Engineer, Soil Research Division, Water Resource Department, Basistha, Guwahati-29, is absent. But he/she has sent a written statement containing 10 (ten) pages No. SR/E-113/Pt-I/RTI/2019/22 dated 02.02.2021.
3. From perusal of records it is seen that the appellant Shri Diganta Barman had submitted an RTI application to the SPIO, O/o the Soil Research Division, Water Resource Department, Govt. of Assam, Guwahati, on 02.09.2020, seeking a scanned copy of the office attendance register showing the daily attendance of one Shri Suman Chakraborty, an employee of the office from March 2019 to March 2020. On not receiving any response he submitted an Appeal on 03.10.2020, before the Executive Engineer and FAA, Soil Research Division, Water Resource Department, Guwahati, on 03.10.2020. On failing to elicit any response of his Appeal, the appellant Shri Diganta Barman submitted a 2<sup>nd</sup> Appeal in this Commission on 09.11.2020.
4. The SPIO, O/o the Executive Engineer, Soil Research Division, Water Resource Department, Basistha, Guwahati, in his/her written statement No. SR/E-113/Pt-I/RTI/2019/22 dated 02.02.2021, has informed that the appellant Shri Diganta Barman had on 30.07.2020, submitted an RTI application in his/her office asking two questions – (i) a copy of the salary slips of Shri Suman Chakraborty, from March 2019 to March 2020 and (ii) copy of attendance register signed on daily basis by Shri Suman Chakraborty from March 2019 to March 2020. It also stated that the appellant was provided with information on 08.08.2020, vide letter No. SR/E-113/Pt-I/RTI/2019/11 in which he was provided with the photocopy of daily attendance of Shri Suman Chakraborty, but was told that the copy of the monthly salary slip of Shri Suman Chakraborty could not be furnished because Shri Suman Chakraborty was not an employee of that office. The written statement also mentions that after receiving the scanned copy of attendance register, the appellant Shri Diganta Barman submitted another RTI application on 02.09.2020, in which he sought scanned copy of the attendance register of Shri Suman Chakraborty from March 2019 to March 2020. The statement also included a letter No. SR/E/113/Pt-I/RTI/2019/14-A dated 18.09.2020, signed by Smti Swapna Rani Gogoi, State Public Relation Officer and Deputy Accounts Officer of the Soil Research Division, in which it was stated that since the appellant had

been already provided with the same information in response to his earlier RTI application dated 30.07.2020, as such the officer was unable to understand the justification as to why the appellant had filed an RTI application seeking the same information again. The said letter also mentioned that asking the same question repeatedly and responding to it amounted to wastage of valuable time of the office, apart from misuse of the RTI Act. The written statement also referred to the 1<sup>st</sup> Appeal submitted by Shri Diganta Barman on 03.10.2020, in pursuance of his RTI application of 02.09.2020, and said that reply to the same was sent by ordinary post to him vide letter No. SR/E/113/Pt-I/RTI/2019/17 dated 12.10.2020. In this letter the PRO of the Department Smti Swapna Rani Gogoi once again mentioned that the information sought by the petitioner had been already provided to him on 28.08.2020, and that he had also received it. The PRO of the Department also describe the repeated query as harassment to the office and warned him of approaching the State Information Commission, and seeking appropriate action against the petitioner for misuse of the RTI Act, 2005, for seeking the same information repeatedly.

5. During the hearing, the appellant Shri Diganta Barman displayed a photocopy of the scanned copy of the attendance register which was provided to him in to response to his RTI application on 30.07.2020,, and alleged that he had serious doubt that the pages of the attendance register, copies of which were provided to him in a CD form, was manipulated by the Public Authority and that certain portions of it were erased, whitener applied and rewritten. On examination of the photocopy of the attendance register provided to Shri Diganta Barman, it is seen that an employee by the name of Shri Suman Chakraborty does exist in the office attendance register in contradiction to letter No. SR/E/113/Pt-I/RTI/2019/11 dated 28.08.2020, signed by the FAA and Executive Engineer, Soil Research Division, Guwahati, where it was stated that Shri Suman Chakraborty was not an employee of that office.
6. In view of the above, the SPIO, O/o the Executive Engineer, Soil Research Division, Water Resource Department, Govt. of Assam, Basistha, Guwahati, is directed to appear before this Commission in person without fail on **05.03.2021** at **12:30 PM**, along with the original copies of the attendance register of the office which contains the name of one Shri Suman Chakraborty, and a scanned copy of which was provided to Shri Diganta Barman. He/She is also directed to explain why action shall not be taken against him/her and why penalty shall not be imposed on him/her under Section 20(1) of the RTI Act, 2005, on him/her for allegedly tampering or destroying information which was the subject of the RTI request on or before **05.03.2021**.
7. The SPIO is reminded that there is no bar in the RTI Act, 2005, on a citizen to seek the same information more than once, and also no bar on the Public Authority to provide the same information more than once.
8. **This order shall constitute the notice of hearing.**

Sd/-  
(Samudra G. Kashyap)  
State Information Commissioner, Assam,  
Panjabari, Guwahati.

Authenticated true copy.

Sd/-  
Secretary & Registrar  
Assam Information Commission

**Memo No. SIC/KP(M).340/2020**

**Dated: 08-02-2021**

Copy to:

1. The SPIO, O/o the Executive Engineer, Soil Research Division, Water Resource Department, Basistha, Guwahati Assam, PIN-781029 for information and necessary action. He is directed to present his case personally in the next date of hearing..
2. The First Appellate Authority/ O/o the Executive Engineer, Soil Research Division, Water Resource Department, Basistha, Guwahati Assam, PIN-781029, for information.
3. The petitioner, Shri Diganta Barman, H.No-6, Sivdarshan Path, Ganesh Nagar, Basistha, Guwahati, PIN-781029, Assam, for information. He is directed to present his case personally in the next date of hearing.
4. Computer section for uploading in the website
5. Office File
6. Order Book

Secretary & Registrar  
Assam Information Commission