

Case No. : SIC/SSM.8/2020  
Complainant/ Appellant : Mr Abdur Rezzaque  
Respondent : SPIO of the Office of the Asstt. Executive Engineer  
(PHE) Hatsingimari Sub-Division, Hatsingimari  
Date of Hearing : 17-3-2021  
Complaint/ Second : Dr. A.P.Rout,  
Appeal heard by : State Chief Information Commissioner, Assam

**O R D E R**  
**17/3/2021**

1. In pursuance to earlier order dated 27.11.2020, the appellant has filed non-compliance report vide his letter dated 21.1.2021.
2. Accordingly hearing was taken today in which the complainant is absent stating that he is unwell.
3. In non-compliance report, the appellant has stated that after contacting both the SPIO(Sri Prabhat Das) and the 1<sup>st</sup> Appellate Authority (Sri S.R.Mughal), he has not received any information. However, on 8.1.2021, the 1<sup>st</sup> Appellate Authority wrote to different offices to provide necessary information within 7 days from the Office of the Asstt. Executive Engineer PHE, Hatsingimari. But the appellant has not received any information.
4. Here, it is interesting to note that one Technical Officer, SBM(G), South Salmara Mankachar District vide his letter dated 30.12.2020 has written to the appellant directing him to come to his office to copy the information.
5. The instruction of the Technical Officer is contrary to the direction of the 1<sup>st</sup> Appellate Authority and the violation of the provision of the RTI Act,2005. Though the copy of the information was given to the SPIO, he has failed to take any corrective measure.
6. The SPIO, Sri Prabhat Das, who is present in today's hearing states that the information is voluminous(thousands of pages) and he has written to the appellant vide his letter dated 8.3.2021 and the 1<sup>st</sup> Appellate Authority has also written to the appellant vide letter dated 8.3.2021 directing him to collect the documents.
7. Both the letters are possibly written by the SPIO and the 1<sup>st</sup> Appellate Authority only after fixation of the date of hearing vide Commission letter no. SIC/SSM.8/2020/23 dated 18/2/2021.
8. From the above, it can clearly be construed that both the SPIO and the 1<sup>st</sup> Appellate Authority are deliberately trying not to follow the provision of the RTI Act and also the order of the Commission.
9. This is a fit case to impose penalty on the SPIO and bring the evasive attitude of the 1<sup>st</sup> Appellate Authority to the notice of the higher.
10. The Commission orders the **SPIO to dispatch the required information either through messenger or through post, where the dispatch record is maintained.**
11. Issue notice to the SPIO to explain why no penalty to be imposed on him as per Section 20 of the RTI Act.2005.

Mark authenticated copy to all concerned.

Sd/-  
(Dr. A.P. Rout)

Authenticated true copy.

Sd/-  
Joint Registrar i/c  
Assam Information Commission

**Memo No. SIC/SSM.8/2020**

**Dtd. 17.3.2021**

Copy to:

1. Dr. Siddharth Singh, IAS, Commissioner & Secretary to the Govt. Of Assam, PHE Department for information and to take note of point no. 8 and 9 of the above order.
2. Sri Prabhat Das, SPIO of the Office of Asstt. Executive Engineer PHE, Hatsingimari for information and necessary action as ordered above.
3. Mr. Abdur Rezzaque, S/O – Lt. Manik Uddin Sarkar, Vill.- Katdanga Satdubi, Part-II, P.O.- Patakata, PS- South Salmara, Dist. – South Salmara Mankachar, Assam for information.
4. Computer Section for uploading in the Website.
5. Office File.
6. Order Book.

Joint Registrar i/c  
Assam Information Commission