

Case No. : SIC/CRG.1/2021  
Complainant/ Appellant : Shri Nijwra Basumatary.  
Respondent : The SPIO/Asstt. Executive Engineer, Bijni Sub Division  
(Irrigation), Bijni, Distt, Chirang, BTR, Assam, PIN Code  
783390.  
Date of Hearing : 17-11-2021  
Complaint/ Second  
Appeal heard by : Shri Samudra G. Kashyap.  
State Information Commissioner, Assam

**O R D E R**  
**17-11-2021**

1. The appellant Shri Nijwra Basumatary is present.
2. The SPIO/Asstt. Executive Engineer, Bijni Sub Division (Irrigation), Bijni, Distt, Chirang, BTR, Assam, is absent without any intimation. Proof of Delivery records shows that the notice of hearing sent by the Commission was received in the O/o the SPIO/Asstt., Executive Engineer, Bijni Sub Division (Irrigation), Bijni, on 09.11.2021. The hearing was taken up despite the absence of the SPIO/Asstt. Executive Engineer, Bijni Sub Division (Irrigation), Bijni, in the interest of speedy disposal and access to information by the RTI applicant.
3. On perusal of records it is seen that the appellant Shri Nijwra Basumatary had submitted an RTI application on 04.12.2020 to the Asstt. Engineer, Irrigation Department, Bijni, Sub-Division, P.O. Bijni, Distt. Chirang, requesting for information related to the present status of the Aozarguri Bwhwiti bund and canal under the jurisdiction of the said Sub-Division. On not receiving any response he submitted an Appeal to the Council Head of Department, Irrigation Department, BTR on 27.01.2021, praying for a direction to the Asstt. Executive Engineer, Bijni, Sub Division, Irrigation, to furnish the information sought. On 20.04.2021 he submitted a 2<sup>nd</sup> Appeal in this Commission and hence this hearing was taken up.
4. **Considering that the information sought by the appellant Shri Nijwra Basumatary is neither exempted from disclosure nor voluminous in nature, the SPIO/Asstt. Executive Engineer, Bijni Sub Division (Irrigation), Bijni, Distt, Chirang, BTR, is directed to furnish the sought information to the appellant free of cost within 10 (ten) days from the receipt of this order. The SPIO/Asstt. Executive Engineer, Bijni Sub Division (Irrigation), Bijni, Distt, Chirang, BTR, is also directed to furnish an Action Taken Report to the Commission on expiry of the said 10 (ten) days.**
5. This appears to be a case an attempt to deny information to a citizen by a Public Authority. In this case, records show that the SPIO/Asstt Executive Engineer, Bijni Sub-Division (Irrigation), Bijni, had on two occasions apparently refused to receive notices sent by the Commission by Speed Post. The two notices, dated 30.09.2021 and 06.10.2021, were returned by the Bijni Post Office with a note "No such addressee" scribbled on it. But documents submitted by the appellant clearly show that there is Public Authority in Bijni by the name "Assistant Executive Engineer" Bijni Sub Division (Irrigation), Bijni," and that the Asstt. Executive Engineer had signed and put his official seal with the above quoted words in it on 12.11.2018. Considering this, the SPIO/Asstt. Executive Engineer, Bijni Sub Division (Irrigation), Bijni, Distt, Chirang, BTR, is also directed to explain in writing, within 15 days from receipt of this order, why penalty under Section 20 (1) of the RTI Act, 2005 shall not be imposed on him/her for his/her failure to furnish the sought for information within the stipulated time period. Since this is a clear

case of an attempt to deny information by violating provisions of RTI Act, 2005, as such the copy of this order be sent to the Council HOD, Irrigation Deptt., BTR, Kokrajhar, for information and necessary action.

6. With the above order, this 2<sup>nd</sup> Appeal is hereby disposed of.

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

Authenticated true copy.

Sd/-  
Secretary & Registrar  
Assam Information Commission

**Memo No. SIC/CRG.1/2021**

**Dated: 17-11-2021**

Copy to:

1. The SPIO/Asstt. Executive Engineer, Bijni Sub Division (Irrigation), Bijni, Distt, Chirang, BTR, Assam, PIN Code 783390, for information and necessary action.
2. The C.H.D. Irrigation Department, BTR Kokrajhar, P.O., & Dist. Kokrajhar, Assam, PIN Code 783370, for information and necessary action.
3. First Appellate Authority/ The C.H.D. Irrigation Department, BTR Kokrajhar, P.O., & Dist. Kokrajhar, Assam, PIN Code 783370, for information.
4. The petitioner, Shri Nijwra Basumatary, Vill. Khagrabari, P.O. Betna Para, Dist. Chirang, BTR, PIN Code 783393, Assam, for information.
5. Computer section for uploading in the website.
6. Office File.
7. Order Book.

  
Secretary & Registrar  
Assam Information Commission.