

<b>Case No.</b>	<b>: SIC/KP(M).340/2020</b>
<b>Complainant/ Appellant</b>	<b>: Shri Diganta Barman</b>
<b>Respondent</b>	<b>: The SPIO, Office of the Executive Engineer, Soil Research Division, Water Resource Department, Govt. of Assam, Basistha, Guwahati.</b>
<b>Date of Hearing</b>	<b>: 05-03-2021</b>
<b>Complaint/ Second Appeal heard by</b>	<b>: Shri Samudra G. Kashyap. State Information Commissioner, Assam.</b>

**O R D E R**  
**05-03-2021**

1. The appellant Shri Diganta Barman is present. The appellant, during today's hearing submitted photocopies of 2 (two) identical petitions he had submitted to the Chief Minister, Assam and Chief Secretary, Govt. of Assam, on 04.03.2021 complaining of rampant corruption in the Office of the Executive Engineer, Soil Research Division, Water Resource Department, Govt. of Assam, Basistha, Guwahati.
2. Smti Dipali Boro, SPIO and Deputy Accounts Officer, O/o the Executive Engineer, Soil Research Division, Water Resource Department, Govt. of Assam, Basistha, Guwahati, is present. She is also assisted by Shri Sankar Thakur, Head Assistant of the said office.
3. Today's hearing is on the basis of this Commission's earlier order dated 08.02.2021. From perusal of records it is seen that the appellant Shri Diganta Barman had submitted an RTI application on 30.07.2020, to the SPIO, O/o the Executive Engineer, Soil Research Division, Water Resource Department, Govt. of Assam, Basistha, Guwahati, seeking two informations – (i) Copy of the salary slip of Smti Suman Chakraborty, from March 2019 to March 2020, and (ii) Copy of attendance register signed on a daily basis by Smti Suman Chakraborty from March 2019 to March 2020. The appellant was furnished information on 28.08.2020 vide letter No. SR/E-113/Pt.I/RTI/2019/11 in which he was provided with the photocopy of daily attendance of Smti Suman Chakraborty, but was informed that the copy of monthly salary slip of Smti Suman Chakraborty could not be furnished because Smti Suman Chakraborty was not an employee of the particular office. This information was provided to the appellant only in response to his 1<sup>st</sup> Appeal by the FAA and Executive Engineer, Soil Research Division, Water Resource Department, Govt. of Assam, Basistha, Guwahati, after the appellant had received no response to his RTI application dated 02.09.2020, within the stipulated period as laid down in the RTI Act, 2005. While the Commission had held a hearing on this matter on 08.02.2021, the appellant Shri Diganta Barman was present, but the SPIO, O/o the Executive Engineer, Soil Research Division, Water Resource Department, Govt. of Assam, Basistha, Guwahati, was absent. But the SPIO had sent a written statement containing 10 (ten) pages No. SR/E-113/Pt.I/RTI/2019/22 dated 02.02.2021. During the hearing on 08.02.2021, the appellant Shri Diganta Barman had pointed out that the copy of the attendance register which he was provided after submission of his 1<sup>st</sup> Appeal had clear signs of manipulation of records by the Public Authority and that certain portions of the informations sought for had been erased, whitener applied and rewritten. On examination of the photocopies of the attendance register provided to Shri Diganta Barman, it appeared that the appellant's suspicion that the records sought for had been manipulated is not untrue

are reasons to suspect foul play. Thus, the Commission directed the SPIO to personally appear before the Commission on 05.03.2021, along with the original copies of the attendance register of the office which contains the name of Smti Suman Chakraborty, a scanned copy of which was provided to the appellant.

4. The SPIO, Smti Dipali Boro, who was present in today's hearing in person, has brought along with her the original copy of the said attendance register, on examination of which it is strongly suspected that certain manipulation including erasing, application of whitener, and rewriting, as alleged by the appellant, must have had taken place.
5. Section 20(1) of the RTI Act, 2005, clearly states that the SPIO shall be imposed penalty in the event of malafidely denying the request for information, or knowingly giving incorrect, incomplete, or misleading information, or destroying information which was subject to request, or found to have obstructed in any manner furnishing of the information.
6. The SPIO, Smti Dipali Boro, during her deposition today stated that while she had joined as Deputy Accounts Officer in the O/o the Executive Engineer, Soil Research Division, Water Resource Department, Govt. of Assam, Basistha, Guwahati, only on 16.09.2020, following transfer from another Department (PWD) in another District, she has not been officially designated in writing by the Department as its SPIO, and that she was only verbally directed by the authorities to appear in today's hearing as SPIO. Considering Smti Dipali Boro's verbal statement during today's hearing to be true, the Commission is constrained to put on record that the O/o the Executive Engineer, Soil Research Division, Water Resource Department, Govt. of Assam, Basistha, Guwahati, has not taken the matter of Right to Information and the RTI Act, 2005, with due seriousness and respect.
7. In view of the facts laid down in the preceding paragraphs, the Commission is nearly convinced that the partial information which was provided to the appellant Shri Diganta Barman was manipulated, altered and partially destroyed. While ideally the Commission would have imposed a penalty and ordered departmental proceeding against the SPIO, it refrains from doing so, in view of the verbal statement of Smti Dipali Boro, as recorded in the previous paragraph. But the Commission directs the Executive Engineer, Soil Research Division, Water Resource Department, Govt. of Assam, Basistha, Guwahati, to conduct an enquiry into the alleged discrepancies, manipulation and destruction/alteration of documents which are subject to the request for information, and take necessary action as provided under the law and provide the Commission an Action Taken Report within 30 (thirty) days of receipt of this order.
8. The SPIO, O/o the Executive Engineer, Soil Research Division, Water Resource Department, Govt. of Assam, Basistha, Guwahati, on the other hand is directed to ensure that the appellant is provided accurate information as was sought for in his RTI application dated 02.09.2020, within 21 days from the receipt of this order. A copy of this order be also marked to the Secretary, Water Resource Department, Govt. of Assam, Dispur, for information and necessary action.
9. With the above order, the 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/KP(M).340/2020**

**Dated: 05-03-2021**

Copy to:

1. The SPIO, O/o the Executive Engineer, Soil Research Division, Water Resource Department, Govt. of Assam, Basistha, Guwahati,, PIN Code-781006 for information and necessary action.
2. The First Appellate Authority/ The SPIO, O/o the Executive Engineer, Soil Research Division, Water Resource Department, Govt. of Assam, Basistha, Guwahati,, PIN Code-781029, for information and necessary action.
3. The Secretary, Water Resource Department, Govt. of Assam, Dispur, Guwahati-781006, for information and necessary action.
4. The petitioner, Shri Diganta Barman, H.No.6, Sivdarshan Path, Ganesh Nagar, Basistha, Guwahati-781029, Assam, for information.
5. Computer section for uploading in the website.
6. Office File.
7. Order Book.

Secretary & Registrar  
Assam Information Commission.