

Case No. : SIC/CCR.40/2020
Complainant/ Complainant : Shri Azmol Hoque Barbhuiya
Respondent : The SPIO, O/o the Executive Engineer, (PHE)
Department, Div-II, Ghungoor, P.O.- Silchar
Medical College (SMC), Dist.- Cachar, Assam, PIN-
788014.
Date of Hearing : 01-03-2021
Complaint/ Second
Appeal heard by : Shri Samudra G. Kashyap.
State Information Commissioner, Assam

O R D E R
01-03-2021

1. The complainant Shri Azmol Hoque Barbhuiya is absent. But he has authorised one Shri Umashankar Singh to appear on his behalf in today's hearing. Accordingly Shri Umashankar Singh has appeared in today's hearing by carrying an authorization letter signed by the complainant Shri Azmol Hoque Barbhuiya, dated 01.03.2021.
2. The SPIO, O/o the Executive Engineer (PHE) Department, Div.-II, Ghungoor, P.O.-Silchar Medical College(SMC), Dist.- Cachar, Assam is absent. The Commission however has received a letter No. EE/PHE/SIL.-II/TB-522(A)/2020-21/26961 dated 03.02.2021, signed by the Executive Engineer (PHE), Silchar Div.-II, Ghungoor, Silchar, informing that the complainant Shri Azmol Hoque Barbhuiya, has been provided the information sought for on 16.01.2021. He has also enclosed a letter written by the complainant Shri Azmol Hoque Barbhuiya, to the Commission informing that he has received the required information sought vide his RTI application dated 16.09.20, and was satisfied. The letter signed by Shri Azmol Hoque Barbhuiya also mentions receipt of 4 (four) documents i) Balance Sheet, ii) List of Consumers, iii) Copy of bank passbook, iv) Minutes of the meeting total 5 (five) pages. But the Commission has received a copy of letter signed by the PIO, O/o the Executive Engineer, Silchar, Div.II, Silchar No. EE/PHE/SIL.-II/TB-522(A)/2020-21/26188 dated 11.01.2021, addressed to Shri Azmol Hoque Barbhuiya, the complainant, informing him that the replies of his RTI application of 16.09.2020 were ready and could be collected from his office.
3. In today's hearing however Shri Umashankar Singh, appearing on behalf of Shri Azmol Hoque Barbhuiya, however claimed that the PIO has provided him with incomplete information as listed in the letter signed by the complainant without any date and submitted to the Commission by the PIO. Shri Umashankar Singh also displayed a bunch of papers received by the complainant Shri Azmol Hoque Barbhuiya from the Public Authority and said that while information related to a number of items including a balance sheet, audit report, cashbook, bank passbook , receipt of payment vouchers, list of consumers, description of government grants, funds, material, copies of minutes of all meetings including AGM and executive committee meetings, etc – pertaining to Panchgari Water Supply & Sanitation Committee from 01.04.2016 to 15.09.2020, he has received partial information pertaining to only 4 (four) items as mentioned in the acknowledgement copy submitted by the PIO. Shri Umashankar Singh, appearing on behalf of Shri Azmol Hoque Barbhuiya, also alleged that

some of the documents already provided were of doubtful nature and suspected to be forged.

4. The Commission does not have any mechanism to verify whether the documents provided to the complainant are forged or genuine. But the RTI Act, 2005, provides for imposition of penalty on information officers who malafidely deny information, or knowingly give incorrect, incomplete or misleading information or deprive information which was subject to the request, or obstruct in any manner in furnishing information. In view of the complainant's allegation that the information provided comprise of some forged documents, the Deputy Commissioner Cachar, Silchar, is hereby directed to institute an enquiry into the allegation involving a Public Authority which is engaged in vital activity like water supply and sanitation, and take necessary action under the relevant laws and inform the Commission within 30 days from the receipt of this order.
5. The SPIO, O/o the Executive Engineer (PHE) Department, Div-II, Ghungoor, P.O.- Silchar Medical College (SMC), Dist. – Cachar, Assam, is hereby directed to provide complete information sought by the complainant Shri Azmol Hoque Barbhuiya, and inform the Commission accordingly within 21 days from the receipt of this order.
6. With the above order, this 2nd 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/CCR.40/2020/20-A

Dated: 01-03-2021

Copy to:

1. The SPIO, O/o the Executive Engineer, (PHE) Department, Div-II, Ghungoor, P.O.- Silchar Medical College (SMC), Dist.- Cachar, Assam, PIN-788014, for information and necessary action.
2. The petitioner, Shri Azmol Hoque Barbhuiya, Vill- Ambikapur Pt-X, Panchgori Road, , P.O.- Meherpur, Dist- Cachar, Assam. PIN-788015, for information
3. Computer section for uploading in the website
4. Office File
5. Order Book

Secretary & Registrar
Assam Information Commission