

**OFFICE OF THE ASSAM STATE INFORMATION COMMISSION**  
**JONAKKEE COMPLEX, PANJABARI, GUWAHATI-39**

**Appeal Case No:** KP(M).376/2013

**Appellant :** Shri Arunabh Choudhury  
Advocate, Guwahati

**Public Authority:** SPIO, Office of the Director, Vigilance  
& Anti-Corruption, Assam

**Heard by:** Shri Himangshu Sekhar Das,  
Assam State Chief Information Commr.

**Appellant was  
Represented by:** Absent

**Public Authority was  
represented by** Shri R. Chandranathan,  
Addl. Director General of Police (Vigilance)

**O R D E R**  
**07-02-2015**

Public Authority was represented by the Addl. Director General of Police, Vigilance & Anti-corruption, Assam, Shri R. Chandranathan. The Addl. DGP also made a submission dated 04.2.2015 stating that SPIO Shri S.P. Saikia will not be able to attend hearing as he is under treatment in hospital. The appellant Shri Arunabh Choudhury, Advocate is absent. Since the matter has been pending for long time, it is taken up for hearing ex-parte. On perusal of case record it is seen that the SPIO vide letter No. DGVA/RI/RTI/2013/1024 dated 4.5.2013 has already furnished the relevant information in response to question No. 1 of the original RTI petition dated 4<sup>th</sup> April, 2013.

As regards the second request of the appellant/petitioner for details/copies of the complaint/copy of FIR, etc. of all such enquiries/investigation, the petitioner filed an appeal petition before the first Appellate Authority i.e. Addl. Director General of Police, Vigilance & Anti-corruption, Assam. The first Appellate authority vide his letter No. . DGVA/RI/RTI/2013/1847 dated 20.6.2013 informed the appellant about his inability to furnish the information with reference to Section 8 (1) (e), (g) and (h) of the RTI Act, 2005 and the standing Government instructions declaring Preliminary enquiry as discreet inquiry.

The commission is of the view that furnishing of information on pending vigilance cases/criminal cases under investigation by vigilance & anti-corruption, Assam is likely to impede the process of investigation or apprehension or prosecution of offenders. Therefore, Section 8(1) (h) of the RTI Act, 2005 is applicable in the instant case. Further, Section 24 (1) of the RTI Act, 2005, first proviso, relating to the allegation of corruption does not appear to be applicable in this case because information sought for by the appellant relates to cases under investigation.

In view of the above position, the second appeal petition of Shri Arunabh Choudhury, Advocate is rejected.

**Sd/-**  
**(H. S. Das)**  
**Assam State Chief Information Commissioner,**  
**Panjabari, Guwahati**

**Authenticated true copy.**

**Sd/-**  
**Secretary & Registrar**  
**Assam State Information Commn.**

**Memo No.KP(M).376/2013**

**07-02-2015**

**Copy to:**

- 1. The Addl Director General of Police, Vigilance & A.C, Assam, Guwahati for information & necessary action.**
- 2. The SPIO, Office of the Director, Vigilance & A.C., Guwahati for information & necessary action.**  
**Shri Arunabh Choudhury, Advocate, Guwahati for information.**
- 3. Computer Section for uploading in the Website.**
- 4. Office File.**

**Secretary & Registrar**  
**Assam State Information Commission**