



**OFFICE OF THE  
ASSAM INFORMATION COMMISSION  
JONAKEE COMPLEX, PANJABARI, GUWAHATI-781 037**

Case No. : **KP(M) 17/2014**

Complainant/ appellant : **Sri Hari Narayan Pathak**

Respondent : **Political Department**

Date of hearing : **09-03-2016**

Complaint/ Second  
appeal heard by : **Shri H.S. Das, IAS ( Retd)  
Chief Information Commissioner, Assam**

**O R D E R**

The petitioner Sri Hari Narayan Pathak is present. The public authority is represented by Sri P. K. Bhagawati, ACS, Joint Secretary and SPIO of Political Department.

The second appeal petition dated 29-11-2013 is taken up for hearing in presence of both the parties.

The SPIO of Political (Vigilance) Cell Department has made a written submission dated 5<sup>th</sup> March, 2016 , which is entered into the case records.

From perusal of the case records, it is seen that the petitioner filed an RTI petition on 12-8-2013 addressed to the Deputy Secretary and SPIO of Finance Department, seeking copies of 5 (five) documents and action taken report supported by documentary proofs including concerned file notings against the public letters as mentioned in those 5 documents.

The Joint Secretary of Political (Vigilance) Cell Department submitted copy of letter dated 10<sup>th</sup> September, 2013 pertaining to another RTI application No. 479/2013 dated 12-8-2013 filed by the same applicant. This letter was addressed to Sri Hari Narayan Pathak by the Deputy Secretary and SPIO of Political (Vigilance) Cell Department, Dispur. It is mentioned in that letter that 2 of the 5 documents sought for by the petitioner i.e., - (i) PLA(V) 72/2003/34 dated 5-2-2011 and (ii) PLA(V).72/2003/37 dated 7-2-2013 was furnished to him.

From Finance Department's letter No. FSI.29/12/131/4 dated 12<sup>th</sup> September, 2013 addressed to the petitioner Sri H. N. Pathak , it appears that the remaining 3 documents, i.e.,- (i) PLA(V)72/2003/31 dated 15-12-2003 (ii) PLA(V).72/2003/35 or 33 dated 11-1-2008 & (iii) PLA(V).7/07/Pt/23 dated 24-7-2007 are available with the Political (Vigilance) Cell Department.

**This Commission, therefore, directs the SPIO and Joint Secretary, Political (Vigilance) Cell Department to locate those 3 documents and furnish copies to the petitioner within 15 days from the date of receipt of this order.**

As regards point No. 6 of the RTI petition dated 12-8-2013 , i.e., action taken report supported by documentary proof including concerned file notings against the 5 letters mentioned above, the Deputy Secretary and SPIO of Finance Department informed the petitioner vide letter dated 12<sup>th</sup> September, 2013 that the matter was under investigation and therefore, could not be disclosed , as per Section 8(1)(4) of the RTI Act, 2005,

**This Commission directs the SPIO of Finance (Taxation) Department to furnish the information to the petitioner, if the investigation has since been completed. If the investigation is still going on and disclosure of the information can even now impede the process of investigation, or apprehension or prosecution of the offenders , then the petitioner will be informed accordingly within 15 days from the date of receipt of this order.**

This Commission also noted that the petitioner Sri H. N. Pathak uses a hearing aid. But in spite of that he has acute difficulty in properly hearing and understanding the deliberations of the Commission. Therefore, to make hearing of his appeal or complaint petitions more effective, this Commission desires that the petitioner Sri H. N. Pathak attends hearing in this Commission in future with a personal Aide to assist him in the deliberations of the Commission.

Action taken by the Political (Vigilance) Cell Department and Finance (Taxation) Department will be reviewed on 7<sup>th</sup> April, 2016. Issue Notices to SPIOs of both Departments and the petitioner.

**(H. S. Das)**  
**Chief Information Commissioner, Assam**  
**Panjabari, Guwahati**

**Authenticated true copy.**

**Registrar**  
**Assam Information Commission**

**Memo No.SIC/KP(M)/17/2014    -A**

**Dtd. 9-3- 2016**

1. Sri P. K. Bhagawati, ACS, Joint Secretary and SPIO of Political Department , Dispur, Guwahati-6 for information and necessary action.
2. SPIO of Finance (Taxation) Department , Dispur, Guwahati-6 for information and necessary action.
3. Sri H. N. Pathak,, Padumpukhuri, Uzanbazar, Guwahati-1 for information and necessary action.
4. Computer Section for uploading in the Website.
- 4.` Office File.

**Registrar**  
**Assam Information Commission**