

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

Case No. : KP(M).17 /2015  
Complainant/ Appellant : Shri Manoj Garg  
Respondent : Social Welfare Department, Govt. of Assam  
Date of hearing : 19.8.2016  
Complaint/ Second : Shri H. S. Das, IAS (Rtd)  
Appeal heard by : Chief Information Commissioner, Assam

**O R D E R**

19.8.2016

The petitioner Shri Manoj Garg is represented by his advocate Shri Jubair Mukit and his brother Shri Sanjeev Garg. The public authority is represented by Deputy Director & SPIO i/c of the Directorate of Social Welfare, Shri Prabir Kr. Chakravarty. The second appeal petition dtd 14.2.15 is taken up for hearing in presence of both the parties.

From perusal of the case records it is seen that the petitioner filed an RTI petition dtd 19.6.14 before the SPIO of Social Welfare Department, Govt. of Assam, which was transferred to the Directorate of Social Welfare, Assam vide letter dtd 6.9.14. Getting no response the petitioner filed first appeal petition on 5.12.14 followed by a second appeal petition dtd 14.2.15 before this Commission, which is now under consideration.

From perusal of the case records it is seen that vide his RTI petition dtd 19.6.14 the petitioner Shri Manoj Garg wanted to know whether any inquiry has been conducted against Miss Hemi Bora, District Social Welfare Officer ( Kamrup) cum Protection Officer under the Domestic Violence Act in pursuance of letter No. SWD 225/2014/36 dtd 7.4.14 of Smti. D. Devi, ACS, Deputy Secretary, Govt. of Assam, Social Welfare Department.

The Dy. Director and SPIO of the Directorate of Social Welfare has made a written submission dtd 18.8.16 stating that the required information has been furnished to the petitioner on 18.8.16. The letter was however, actually handed over to the petitioner today i.e.19.8.16 before this Commission. The information contains the inquiry report dtd 16.11.15 submitted by the Director of Social Welfare,, Govt. of Assam to the Commissioner & Secretary to the Govt. of Assam, Social Welfare Department.

From perusal of the report it is seen that the Director of social Welfare inquired and submitted his report in compliance with the Hon'ble Gauhati High Court's orders in WP(C) No. 4053/2015, and not in compliance with the letter dtd 7.4.14 of Smti. D. Devi, ACS, Deputy Secretary, Govt. of Assam, Social Welfare Department as referred to above.

The Joint Secretary & SPIO of Social Welfare Department, Govt. of Assam has submitted a separate written submission dtd 19.8.16, which is entered into the case

records. With the WS she has enclosed copies of her communications with the petitioner and the Directorate of Social Welfare, Assam relating to transfer of the RTI petition, and not on the substantive issue of the inquiry report. The Joint Secretary's WS dtd 19.8.16 is silent about action taken, if any, by the State Government in the Social Welfare Department and whether prosecution sanction as prayed for by the petitioner and four others has been accorded or not.

In view of the above, this Commission directs the SPIO of Social Welfare Department, Govt. of Assam to inform the petitioner about present status of action taken by the State Government on the inquiry report of the Director of Social Welfare, Govt. of Assam vide his letter dtd 16th November, 2015 and Government's decision, if any, on according prosecution sanction against Miss Hemi Bora, District Social Welfare Officer, within 15 days from the date of receipt of this order.

With the above, the second appeal petition dtd 14.2.15 is disposed of.

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

Authenticated true copy.

Sd/-  
Registrar  
Assam Information Commission

Memo No. SIC/KP(M).17 /2015/82

Dtd. 19.8.2016

Copy to:

1. The Joint Secretary & SPIO of the Social Welfare Department, Govt. of Assam, Dispur, Guwahati- 781 006 for information and necessary action.
2. Shri Manoj Garg, Neha Apartment, Block-VI, Flat No. 6083, Athgaon, PO- Bharalumukh, Guwahati- 781 001 for information.
3. Computer Section for uploading in the Website.
4. Office File.
5. Order Book.

Registrar  
Assam Information Commission