



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

Case No. : KP(M).949/2017
Complainant/ Appellant : Shri Dulal Bora
Respondent : Home Department, Govt. of Assam, Dispur
Date of hearing : 26.2.2018
Complaint/ Second : Shri H. S. Das, IAS (Rtd)
Appeal heard by : Chief Information Commissioner, Assam

O R D E R

05.03.18

1. The second appeal petition dated 24.7.17 was taken up for further consideration with reference to the petitioner's RTI petition dated 30.7.16 in pursuance of this Commission's earlier orders dated 17.11.17 and 29.1.18. The petitioner Shri Dulal Bora was absent without any information. The public authorities, namely Shri Mojibur Rahman, APS, Superintendent of Police cum SPIO of Vigilance and A.C. and Shri Naren C. Basumatary, ACS, Joint secretary and SPIO of Political department were present. The SPIO of the office of the Chief Secretary, Govt. of Assam is absent without any information.
2. In compliance with order dated 29.1.2018, the SPIO and Superintendent of Police, Vigilance and A.C., Govt. of Assam submitted an affidavit dated 26.2.2018, which was entered into the case records. In his affidavit, the Superintendent of Police and SPIO stated, inter alia, that the regular inquiry no. 52/2015 dated 7.12.2015 was registered after receiving the approval from Government of Assam – Political (Vigilance Cell) Department and that the Directorate of Vigilance and A.C., Assam did not seek any permission from the Home Department, Government of Assam to interrogate the two (2) suspected officers of the regular inquiry. He submitted orally that further investigation into the regular inquiry was kept in abeyance in pursuance of an instruction from the State Government, particulars of which was not mentioned in the affidavit. He is, therefore, directed to submit supplementary affidavit within 15 days from the date of receipt of this order furnishing the particulars of the Govt. instructions and present status of the inquiry with reference to point no. 3 of the RTI petition. The next day, that is, on 27.2.18 the SPIO of Vigilance & AC, Government of Assam submitted a supplementary affidavit, wherein it was stated, inter alia, that while the RE no. 52/2015 was going on at the Directorate, it was kept in abeyance in pursuance of Govt. of Assam letter no. PLA(V).327/2014/138 dated 20th February, 2016. Copy of this Govt. letter was enclosed with the supplementary affidavit. The supplementary affidavit is entered into the case records.
3. The Joint Secretary and SPIO of Political Department submitted a written statement dated 24.2.18 praying for one month's time to collect the required information from Political

(Vigilance Cell) Department to furnish the sought for information to the petitioner in response to his RTI petition dated 30.7.16. The SPIO enclosed with his WS a copy of the letter dated 23.2.18 from the Addl. Secretary; Political (Vigilance Cell) Department stating that some time will be required to search out the relevant files and requesting the SPIO to seek 15 days' time from this Commission. The SPIO of Political Department submitted orally that the relevant file has been traced out to be pending in the office of the Chief Secretary and that it was yet to be received back in the Political Department. **Time as prayed for by the Joint secretary and SPIO of Political Department is granted.**

4. As already mentioned, the SPIO of the office of the Chief Secretary was absent today without any information. Nor did she submit any affidavit in compliance of this Commission's order dated 29.1.18. **The SPIO of the office of the Chief Secretary, Govt. of Assam is given one more opportunity to submit her affidavit before the next date of hearing. While submitting her affidavit she may refer to last but one sentence in the preceding paragraph.**

Fix 12.30 PM on 10.4.2018 for next hearing.

Sd/-

(H. S. Das)

Chief Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Sd/-

Registrar

Assam Information Commission

Memo No. SIC/KP(M).949/2017/

Dated. 05.3.2018

- Copy to:
1. The Joint Secretary & SPIO of Home & Political Department, Govt. Of Assam, Dispur, Guwahati-6 for information and necessary action.
 2. The Superintendent of Police & SPIO of the office of the Directorate of Vigilance & Anti-corruption, Govt. of Assam, Rupnagar, Guwahati-32 for information and necessary action.
 3. The SPIO of the office of the Chief Secretary to the Govt. of Assam, Dispur, Guwahati-6 for information and necessary action.
 4. Shri Dulal Bora, Kainadhara Tiniali, House No. 118, Khanapara, Guwahati-22 for information.
 5. Computer Section for uploading in the Website.
 6. Office File.
 7. Order Book.

Registrar

Assam Information Commission