



OFFICE OF THE

ASSAM INFORMATION COMMISSION

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Case No.	KP(M).949/2017
Complainant/ Appellant	Sri Dulal Bora
Respondent	Chief Minister's office.
Date of Hearing	10.04.2018
Date of order	27.04.2018
Complaint/ Second appeal heard by	Shri H. S. Das, IAS (Retd) State Chief Information Commissioner, Assam

O R D E R
27-4-2018

1. The petitioner Sri Dulal Bora was present. Sri Naresh Ch. Basumatary, ACS, Joint Secretary and SPIO of Home and Political Department was present from the side of public authorities.

2. The second appeal petition dated 24-7-2017 was taken up for consideration in their presence in pursuance of this Commission's earlier orders dated 17-11-2017, 29-1-2018 and 5-3-2018

3. The Superintendent of Police-cum-SPIO of Vigilance and Anti Corruption had submitted a written statement dated 9-4-2018 stating that he had to accompany his family outside the State for 5 days on personal affairs and, therefore, prayed for exemption from personal appearance before this Commission for hearing on 10-4-2018. He added in his w/s that he had already furnished his affidavits before this Commission and did not have any other information pending for submission as on that date. His prayer is granted.

4. The Staff Officer of the office of Chief Secretary had sent a separate written statement dated 19th March, 2018 –

(a) Tendering her apologies for being absent on the previous date of hearing i.e., on 5-3-2018. She also added in her statement that the concerned file was traced out in the office of Chief Secretary and has been sent back to the Political Department on 28-2-2018 for taking necessary action within the stipulated time. The SPIO of Chief Secretary's office has also mention in her w/s that the then Chief Secretary had retained that file or kept pending by mistake and that it had re-surfaced on account of cleaning of Chief

Secretary's chambers prior to his superannuation. It is also mentioned that the new Chief Secretary has been fully informed of the RTI case.

- (b) The SPIO of Chief Secretary's office did not , however, make any mention whether she complied with the direction at paragraph-5 of this Commission's earlier order dated 17-11-2017 to apprise the then Chief Secretary about the pending RTI petition. From her w/s and submissions made by the SPIO of Political Department, as recorded at Paragraph 3 of this Commission's earlier order dated 5-3-2018, the relevant file was pending at that time i.e., on 17-11-2017 with the then Chief Secretary.

The SPIO of the office of Chief Secretary is , therefore, **directed to submit an affidavit clarifying her position in this regard.**

5. The Joint Secretary and SPIO of Political Department. Govt. of Assam had also submitted a separate W/S dated 9th April, 2018 stating that in reply to the petitioner's RTI petition dated 30-7-2016 has been prepared and sent to him vide letter No.PLA(V).18/2018/29 dated 9th April, 2018, a copy of the letter No. as above, from Additional Secretary to the Govt. of Assam, Political (Vigilance cell) Department addressed to the Joint Secretary and SPIO of Political Department was enclosed , wherein it is mentioned that the office of Vigilance and Anti Corruption , Govt. of Assam wrote to the State Government seeking permission to record the statements of Sri Sudipta Sen, CMD, Saradha Realty India Ltd. and Sri Sarbananda Gogoi, However, it has been mentioned in the said letter that Political (Vigilance Cell) Department was not aware as to whether any permission was sought for by the Vigilance and Anti Corruption, Assam , for recording the statement of Sri A.P.Rout, IPS and Sri S. N. Singh, IPS. The Additional Secretary suggested to the Joint Secretary and SPIO of Political Department that the petitioner may be asked to furnish records, if there is any, in his hand for re-checking the official records. The Addl. Secretary also mentioned that the CBI had taken up cases for investigation of the offences relating to the Sardha Realty India Ltd., Sardha Group of Companies along with several such cases.

6. On 11-4-2018, i.e., the date after the date of hearing the petitioner Sri Dulal Bora submitted a written request seeking copies of the affidavits/ written statements submitted by the office of the Chief Secretary and Political Department on 10-4-2018 in second appeal case No. KP(M)949/2017. The above documents, as sought for by the petitioner were furnished to him by the Registry of this Commission.

7. In view of the above deliberations, the petitioner Sri Dulal Bora is directed to make available, within 15 days from the date of receipt of this order, copy of any communication or any other information that he may have regarding the request of Vigilance and Anti Corruption , Assam, seeking permission of the State Govt. for recording the statements of Sri A. P. Rout, IPS and Sri S. N. Singh, IPS in connection with investigations relating to Sardha Realty India Ltd with intimation to the Registry of this Commission.

8. Fix 8-6-2018 for review of actions taken by the SPIO of Chief Secretary to the Govt. of Assam and the petitioner as ordered at paragraph-7 above.

(H. S. Das)
State Chief Information Commissioner,
Assam

Authenticated true copy

Registrar I/C
Assam Information Commission

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

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Dated 27.04.2018

Copy to:-

- 1) SPIO of Chief Secretary to the Govt. of Assam, Dispur, Guwahati-6 for information and necessary action, as ordered above
- 2) Sri Naresh Ch. Basumatary, ACS, Joint Secretary and SPIO of Home and Political Department, Dispur, Guwahati- 6 for information.
- 3) Sri Dulal Bora, Koinadhara Tiniali, House No.-118, Khanapara, Guwahati-22 for information & necessary action as ordered above..
- 4) Computer Section for uploading in the Website
- 5) Office file.
- 6) Order Book.**

Registrar I/C
Assam Information Commission.