



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

Case No. : KP(M).923/2017  
Complainant/ Appellant : Shri Dulal Bora  
Respondent : Home & Political Department, Govt. of Assam, Dispur, Guwahati-6  
Date of hearing : 15.5.2018  
Complaint/ Second : Shri H. S. Das, IAS (Rtd)  
Appeal heard by : Chief Information Commissioner, Assam

**O R D E R**

15.5.18

1. The petitioner Shri Dulal Bora is present. The public authority to be represented by the SPIO of Home & Political Department, Govt. of Assam is absent. However, he informed the Registry of this Commission telephonically that due to urgent meeting to be taken by the Hon'ble Chief Minister of Assam, he would not be able to attend the hearing today. However, there is no written communication to that effect. The second appeal petition dated 24.7.17 is taken up for consideration ex-parte in the absence of the public authority in continuation of this Commission's earlier orders dated 17.11.17, 12.1.18 and 15.2.18.

2. From perusal of the case records it is seen that the Joint Secretary and SPIO of Home & Political Department vide his letter No. PLA(V).22/2018/16 dated 15.3.2018 informed the Registry of this Commission with copy to the petitioner Shri Dulal Bora, that reply to the petitioner's RTI petition dated 9.8.16 was already furnished to the petitioner. The SPIO enclosed copy of another letter No. PLA(V).64/2018/7 dated 15.2.18 from the Addl. Secretary, Political (Vigilance Cell) Department, Govt. of Assam addressed to the Joint Secretary and SPIO of Political Department **that the original allegation petition dated 26.9.15 addressed by the petitioner Shri Dulal Bora to the Chief Secretary to the Govt. of Assam could not be traced out in the department.** However, another allegation petition on the same subject matter and the same petition number with date addressed to the Addl. Chief Secretary, Home & Political Department was received in the department. It was added that the CID had already taken action on the matter and prosecution sanction against 31 officers were issued.

3. The petitioner Shri Dulal Bora submitted orally that he had received this communication but he is not satisfied with it. In his original complaint petition dated 26.9.15 he mentioned the names of the then Director, Agriculture, Shri Kabindra Borkakati and one contractor Shri Sanwar Hussain. But according to him no action appears to have been taken against these two (2) persons, who were mainly accused vide his petition dated 26.9.15 filed before the Chief Secretary to the Govt. of Assam. He further submitted that since prosecution sanction has already been issued against 31 junior officers of Agriculture Department on the basis of investigation report of the State CID, he wanted to have a copy of the investigation report of the CID.

4. This Commission is of the view that by his original complaint petition dated 26.9.15 addressed to the Chief Secretary, Govt. of Assam, the petitioner wanted an inquiry to be done into the complaints and allegations contained therein. By his follow up RTI petition dated 9.8.16, he sought the following informations:

- (a) The number of the file from which inquiry was ordered into the allegations mentioned in his complaint petition dated 26.9.15 and name of the Inquiry Officer with his designation;

(b) Names and addresses of the persons mentioned in the complaint petition dated 26.9.15,  
and

(c) Photo copy of inquiry report submitted by the Inquiry Officer to his higher authorities.

5. Since the name of the persons complained against were already mentioned in his original complaint petition dated 26.9.15, no further information seems to be necessary on point no. 4 (b). Regarding para no. 4 (a) the names of investigating agency, i.e., CID, has already been furnished to the petitioner. Hence this point also seems to have been appropriately responded to. Now, only information regarding para no. 4 (c), i.e., furnishing a copy of the CID investigation report is pending. From the written submissions of the Addl. Secretary, Political (Vigilance Cell) Department it appears that, if not fully, at least a part of, the CID investigation has been completed, because of which prosecution sanction could be issued against 31 officers of Agriculture Department.

6. This Commission is also of the view that exemption u/s 8(1) (h) does not seem to be applicable so far as completed portion of CID investigation is concerned. Moreover, since the sought for information pertains to allegations of corruption, the State CID does not seem to be eligible to claim any exemption in this regard under section 24 (4) of the RTI Act, 2005. The SPIO of Political Department is, therefore, directed to obtain a copy of the completed CID investigation report and furnish the same to the petitioner within 30 days from the date of receipt of this order.

7. Also issue notice to the SPIO of the office of the Chief Secretary to the Govt. of Assam to submit a written statement within 30 days from the date of receipt of this order stating action taken by Chief secretary's office on the original complaint petition dated 26.9.15 addressed to the Chief Secretary – with reference to the highlighted portion of para 2 above.

**Fix 12.30 PM on 18.6.2018 for review of actions taken.**

**Sd/-**

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

Authenticated true copy.

**Sd/-**

Registrar  
Assam Information Commission

Memo No. SIC/KP(M).923/2017/

Dated. 15.5.2018

Copy to:

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

Registrar  
Assam Information Commission