

Case No.	KP(M).453/2018
Complainant/ Appellant	Sri Dulal Bora
Respondent	Home Department
Date of Hearing	03.07.2018
Complaint/ Second appeal heard by	Shri H. S. Das, IAS (Retd) State Chief Information Commissioner, Assam

O R D E R
03.07.2018

1. . The petitioner Sri Dulal Bora is present. The public authorities are represented by :- (i) Sri Naren Ch. Basumatary, SPIO and Joint Secretary to the Govt. of Assam, Home and Political Department, Dispur, Guwahati- 6, and (ii) Sri Mojibur Rahman, Superintendent of Police, Vigilance and Anti Corruption, Assam.

2. The second appeal petition dated 14-5-2018 is taken up for hearing in presence of both the parties.

3. From perusal of the case records it is seen that the petitioner Sri Dulal Bora filed a complaint petition dated 27-3-2017 before the Additional Chief Secretary to the Govt. of Assam, Home Department, Govt. of Assam. In his complaint petition he alleged possession of assets dis-proportionate to the known sources of income by former Minister, Social Welfare and Jails, Sri Akon Bora. In his aforesaid complaint petition he gave a list of assets allegedly owned by Sri Akon Bora and his son Sri Manash Bora. The complainant requested for an inquiry into the above allegations. He followed up his complaint petition by an RTI petition dated 25-9-2017 submitted before the SPIO of Home Department, Govt. of Assam , seeking the following informations :-

- (a) The number of the file from which inquiry was ordered into the allegations mentioned in his complaint petition dated 27-3-2017 and name of the Inquiry Officer with his designation ;
- (b) names and addresses of the persons mentioned in the complaint petition dated 27-3-2017, and
- (c) photo copy of inquiry report submitted by the Inquiry Officer to his higher authorities.

4. Not getting any response to the RTI petition he filed a first appeal petition dated 14-2-2018 and thereafter a second appeal petition dated 14-5-2018, which is now under consideration before this Commission.

5. The SPIO of Home & Political Department has submitted a written statement dated 3-7-2018 stating that the RTI petition was transferred under Section -6(3) of the RTI Act, 2005 to the SPIO of the office of Director General of Police (DGP) vide letter dated 21-10-2017. Thereafter the SPIO of the Office of DGP, Assam requested, vide letter dated 29-10-2017, the Addl. Director General of Police (Vigilance and Anti Corruption), Assam to inquire into the complaint of Sri Dulal Bora..

6. Subsequently, vide another letter dated 27th June, 2018 the SPIO of the Office of ADGP (Vigilance and Anti Corruption), Assam requested the SPIO of the Office of ADGP (Vigilance and Anti Corruption), Assam to furnish the sought for information to the petitioner.

7. This Commission notes that the names of the persons alleged against by the petitioner are already mentioned in his complaint petition dated 27-3-2017. As such furnishing of information in respect of Para 3(b) above is not considered necessary. The petitioner submitted orally that yesterday (02-07-2018) he got the name of the Investigating officer from the SPIO of the Directorate of Vigilance and Anti Corruption, Assam. The SPIO of Vigilance and Anti Corruption informed this Commission that after preliminary inquiry a regular inquiry has been taken up which is under process. Therefore, information with regard to point No. 3(c) cannot be submitted at this stage.

8. The petitioner also gave a written submission stating that he has received the sought for information to his satisfaction.

10. In view of the above, there seems to be no cause of action and hence the second appeal petition is disposed of.

Sd/-

(H. S. Das)

**State Chief Information Commissioner,
Assam**

Authenticated true copy

Sd/-

Registrar I/c

Assam Information Commission

Copy to:-

- 1) Sri Naren Ch. Basumatary, Joint Secretary and SPIO of the office of Home and Political Department, Dispur, Guwahati-6 for information.
- 2) Sri Mozibur Rahman, Superintendent of Police, Vigilance and Anti Corruption, Assam for information .
- 3) Sri Dulal Bora, Koinadhara Tiniali, House No. 118, Khanapara, Guwahati-22 for information.
- 4) Computer Section for uploading in the Website
- 5) Office file.
- 6) Order Book.

**Registrar I/c
Assam Information Commission.**