



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

Case No. : KP(M).996/2018  
 Complainant/ Appellant : Sri Dulal Bora  
 Respondent : SPIO of Home & Political Department, Govt. of Assam.  
 Date of hearing : 17/12/2018.  
 Complaint/ Second : Shri H. S. Das, IAS (Retd)  
 Appeal heard by : Chief Information Commissioner, Assam

**O R D E R**

17.12..2018

1. The petitioner Sri Dulal Bora is present. The public authority is represented by Joint Secretary & SPIO of Home & Political Department, Govt. of Assam. He has clarified that he is not the SPIO of Political Department, there is another officer who is notified as SPIO of Political Department. The Second Appeal petition dated 24.7.2017 is taken up for hearing in presence of the petitioner and SPIO of Home Department.

2. On perusal of the case records it is seen that the petitioner Sri Dulal Bora submitted a complaint petition dated 24.5.2016 before the Commissioner & Secretary, Home Department, Govt. of Assam. In his complaint petition he alleged, inter alia, the following :-

- i) That Sri Anurag Agarwalla, IPS was involved in Rhino poaching when he was Superintendent of Police of Karbi Anglong District,
- ii) that the Directorate of Vigilance & Anticorruption, Govt. of Assam did a preliminary inquiry into the allegation,
- iii) that the then Chief Minister and Home Minister of Assam Sri Tarun Gogoi approved the request for regular inquiry against Sri Anurag Agarwalla,.
- iv) that Sri Agarwalla managed to suppress the relevant file in collusion with some personnel of the concerned department and that the said file remained untraced till filing of his RTI petition dated 31.8.2016, and
- v) that the details of telephonic conversations of Sri Anurag Agarwalla, IPS, the then Superintendent of Police, Karbi Anglong District with the then Forest Minister of Assam can be obtained through the call detail reports of Sri Agarwalla's mobile phone, and that examination of such call detail reports and interrogation of the PSOs who were attached with Sri Agarwalla at that time will reveal the relevant facts in this regard.

3. By his complaint petition mentioned above the petitioner requested for unearthing and reactivation of the said file and proceed with the vigilance inquiry. He followed up the complaint petition mentioned above by an RTI petition dated 31.8.2016 seeking the following informations :-

- a) The number of the file from which inquiry was ordered into the allegations mentioned in his complaint petition dated 24.5.2016 and name of the Inquiry Officer with his designation;
  - (b) Names and addresses of the persons mentioned in the complaint petition dated 24.5-2016, and
  - (c) Photo copy of inquiry report submitted by the Inquiry Officer to his higher authorities
4. Since the name of the officer alleged against are already mentioned in the complaint petition dated 24.5.2016 point No. 2(b) above is considered to be redundant
5. The petitioner followed up his RTI petition by 1<sup>st</sup> appeal petition dated 10.5.2017 and 2<sup>nd</sup> appeal petition dated 24.7.2017. The SPIO and Joint Secretary, Home & Political Department has submitted a written statement dtd. 17.7.2018 giving the sequence of actions taken on the petitioner's RTI petition. The WS is entered into the case records. It has been mentioned in the WS, inter alia, that the RTI petition was transferred to the SPIO of Political Department vide letter dated 5<sup>th</sup> October, 2016 (copy enclosed). The 1<sup>st</sup> appeal petition was heard by the Secretary and First Appellate Authority of Home & Political Department on 14.3.2016 and an order was also passed on the same date (copy enclosed). By his order the 1<sup>st</sup> appellate authority directed the SPIO of Political Department to take urgent steps to furnish the sought for information to the appellant at the earliest with intimation to Home (A) Department, Govt. of Assam.
6. The petitioner/appellant Sri Dulal Bora submitted orally that he is yet to receive the sought for information. The SPIO of Home Department Sri N.C. Basumatary also submitted orally that he is not aware whether the SPIO of Political Department has since furnished the sought for information to the petitioner. This Commission noted that the allegations made by the petitioner vide his complaint petition dated 24.5.2016 are of serious nature. If the file relating to a regular vigilance inquiry ordered by the Hon'ble Home Minister & Chief Minister of Assam has gone missing, as alleged by the petitioner, then it needs to be looked into seriously by the concerned authorities. This Commission had earlier also noted disappearance of sensitive vigilance inquiry files in two other second appeal cases, viz. SIC/KP(M) 949/2017 and SIC/KP(M) 543/2018.
7. In view of the above the following orders are passed :-
- i) The Secretary of Political (Vig.) Department is directed to examine the RTI petition with reference to the allegation petition dated 24.5.2016 and thereafter furnish appropriate information against para nos.3(a) and 3(b) above to the petitioner within 30 days from the date of receipt of this order.

- ii) If the relevant file containing the regular vigilance inquiry really went missing as alleged by the petitioner, then the matter should be brought to the notice of the Chief Secretary for necessary action referring to this Commission's earlier orders dated 8.10.2018 and 12.12.2018 in 2<sup>nd</sup> appeal case No.SIC/ KP(M) 949/2017 and SIC/KP(M)543/2018 respectively.
- iii) Since the sought for information is held up by the Political (Vig.) Department, Govt. of Assam, the Additional Secretary of Political (Vig) Deptt. is also deemed as a SPIO under Section 5(5) of the RTI Act 2005 for this 2<sup>nd</sup> appeal case.

Issue notice to both the parties, including the deemed SPIO, accordingly.

Fix 1.00 PM on 11.01.2019 for next hearing..

Sd/-

(H. S. Das)

Chief Information Commissioner, Assam  
Panjabari, Guwahati

Authenticated true copy.

Sd/-

Jt. Registrar

Assam Information Commission

Memo No. SIC/KP(M). 996/2018/

Dated. 17.12..2018

- Copy to:
1. The SPIO of Political Department, Govt. of Assam, Dispur, Guwahati – 6 for information. and necessary action.
  2. SPIO of Home Deptt., Govt. of Assam, Dispur,Guwahati 6 for information and necessary action.
  3. Addl. Secretary, Govt. of Assam, Political (Vig.) Deptt., Dispur, Guwahati-6.
  4. S.O. to Chief Secretary, Assam, Dispur, Guwahati – 6.
  5. Sri Dulal Bora, Koinadhara Tiniali, House No.118, Khanapara, Guwahati 22.
  6. Computer Section for uploading in the Website.
  7. Office File.
  8. Order Book.

Jt. Registrar

Assam Information Commission