



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

Case No. : KP(M).996/2018
Complainant/ appellant : Shri Dulal Bora
Respondent : SPIO of Political Department, Govt. of Assam
Date of hearing : 11.01.2019
Complaint/ Second : Shri H.S. Das, IAS (Retd)
Appeal heard by : Chief Information Commissioner, Assam

O R D E R
11.01.2019

1. The appellant Shri Dulal Bora is present. The SPIO and Joint Secretary of Political Department, Shri Biman Dutta is also present. The SPIO submitted orally that the deemed PIO, i.e. the Addl. Secretary of Political (VC) Department could not attend today's hearing due to accidental death of one of his personal office staff. The second appeal petition dated 24.7.2017 is taken up for further consideration in pursuance of this Commission's earlier order dated 17.12.2018.
2. The SPIO of Political Department submitted a written statement dated 31st December, 2018 enclosing copies of letters dated 15th June, 2018 and 29th December, 2018 from the Addl. Secretary, Political (VC) Department to the SPIO of the Department. Copy of the above mentioned two letters were also furnished to the appellant Shri Dulal Bora vide letter dated 31st December, 2018. The appellant submitted orally that he is yet to receive the above mentioned communication and documents. The SPIO of Political Department was directed to furnish a copy of the same to the petitioner today.
3. It has been mentioned in the above mentioned communication of Addl. Secretary, Political (VC) Department that:-
 - (a) The concerned vigilance file relating to Shri Anurag Agarwal, IPS did not go missing,
 - (b) Actions have been taken on the matter as per observations of Shri J. Chakraborty, IPS, the then Addl. Director General of Police to the Chief Minister's Special Vigilance Cell, Assam,
 - (c) Since vigilance actions are being taken, informations could not be furnished to the petitioner u/s 8(1)(h) of the RTI Act, 2005 and
 - (d) It appears from the concerned case file No. PLA(V).231/2015 that Government of Assam has not accorded any approval for initiating regular inquiry against Shri Anurag Agarwal, IPS for his alleged involvement in the Rhino poaching, as alleged by the petitioner.
4. From the above, it appears that as of now there is no regular inquiry pending against Shri Anurag Agarwal, IPS on this issue. It also appears from the Addl. Secretary, Political (VC) Department's letter dated 29th December, 2018 that the State

Government in Political Department is yet to take a view and decision on the observations of Shri J. Chakraborty, IPS, the then Addl. Director General of Police of Chief Minister's Special Vigilance Cell. The submissions made by the SPIO and the Addl. Secretary of Political (VC) Department do not indicate existence of any ongoing investigation by any investigating agency against Shri Anurag Agarwal, IPS. If that is the case then invocation of section 8(1) (h) appears to be out of place.

5. In view of the above it is considered necessary to hear Addl. Secretary, Political (VC) Department, who has since been appointed as OSD in the Department was already declared as deemed PIO u/s 5(5) of the RTI Act. The appellant also prayed for fixation of another date of hearing to give his response to the informations, which were furnished to him today on direction from the Commission.

6. **Fix 12.30 PM on 04.02.2019 for next hearing.**

7. **Issue notices to both the parties accordingly.**

Sd/-

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

Authenticated true copy.

Sd/-

Registrar i/c
Assam Information Commission

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

Dated. 11.01.2019

Copy to: 1. The SPIO of Political Department, Govt. of Assam, Dispur, Guwahati-6 for information.
2. The OSD, Political Department, Govt. of Assam, Dispur, Guwahati-6 for information and necessary action.
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 i/c
Assam Information Commission