



**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	04.02.2019
Complaint/ Second	: Shri H. S. Das, IAS (Retd)
Appeal heard by	Chief Information Commissioner, Assam

O R D E R

04.02.2019

1. The petitioner Sri Dulal Bora as well as the public authority to be represented by SPIO of Political Department – both are absent. However the both have sent two separate communications dated 24.1.2019 and 4.2.2019 and respectively praying for re-fixation of the date of hearing. The OSD of Home & Political Department who was declared as deemed PIO by this Commission vide order dated 11.1.2019 has also sent a written communication dated 2.2.2019 praying for exemption from personal appearance as he has not been entrusted to look after the work of vigilance matters of Political (Vigilance Cell) Department as per Government's latest order dated 25.1.2019. This Commission is of the view that since the letter dated 29.12.2018 invoking Section 8(i)(h) of the RTI Act to deny the sought for information was signed by the then Additional Secretary, Political (Vigilance Cell) Deptt. and since he is still working in the same department as OSD, it will be necessary to hear him before this Commission pronounces its decision on applicability of Section 8(i)(h) in the instant second appeal case. **Therefore, his prayer for exemption from personal appearance is rejected.**

2. Since both the parties have prayed for re-fixation of the date of hearing, fix 1.3.2019 at 1.00 P.M. for next hearing.

3. Issue notices to both the parties accordingly, requiring Political Department to be represented by - (i) their SPIO, (ii) their OSD, Sri R. K. Mahanta, ACS (Retd) and (iii) the present incumbent officer who is looking after vigilance matters of Political (Vigilance Cell) Deptt. in place of Sri R. K. Mahanta, who is also directed to be appointed as a deemed PIO under Section 5(5) read with section 19(8)(a)(ii) of the RTI Act, 2005..

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 04.02.2019

Copy to:

1. The SPIO of Home & Political Department, Govt. of Assam, Dispur, Ghy.6 for information. and necessary action.
2. Shri P.K. Mahanta, ACS (Retd), OSD, Political Deptt., Govt. of Assam, Dispur, Guwahati 781006 for information and necessary action.
3. Sri Dulal Bora, Kainadhara Tiniali, House No.118, Khanapara, Ghy.22.
4. Computer Section for uploading in the Website.
5. Office File.
6. Order Book.

Registrar i/c
Assam Information Commission