



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

Case No. KP(M)790/ 2019
Complainant/ Appellant Sri Hemanta Deori
Respondent : SPIO of Political Department, Govt. of Assam.
Date of hearing 26.08.2019
Complaint/ Second : Shri H. S. Das, IAS (Retd)
Appeal heard by Chief Information Commissioner, Assam

O R D E R

26.08.2019

1. The appellant Sri Hemanta Deori is present along with Sri Bikash Bucha to assist him. The public authority, i.e., the Political Department, Govt. of Assam is represented by Sri Santi Ram Roy, Under Secretary and SPIO accompanied by Sri Biju Prasad Baruah, Under Secretary, Political (Vig.) Deptt. The second appeal petition dated 24.4.2019 is taken up for further consideration in pursuance of this Commission's earlier order dated 29.7.2019.
2. The SPIO of Political Department Sri Santi Ram Roy has submitted an affidavit dated 26.8.2019, which is entered into the case records. It has been stated in paragraph 1 of the affidavit that as reported by the Directorate of Vigilance & Anti-Corruption vide their letter No.DGVA/RI/2019/3192 dated 26.8.2019, a Regular Enquiry (RE) No.9(5)2019 against Dr. Durllabh Chamua, Ex-MLA, has been initiated and the RE is in progress. Sri Karuna Bordoloi, APS, Addl. SP (Law), Vig. & AC, Assam is the Inquiry Officer. It has also been mentioned in the letter dated 26.8.2019 that a progress report of the RE` has been submitted by the IO which was forwarded to the Under Secretary, Govt. of Assam, Political (Vig. Cell) Deptt. This Commission is of the view that the above informations give the current status of the RE as sought for in para 3 (D) of the RTI petition.
3. As regards point no.3(E) of the RTI petition, the SPIO of Political (Vig. Cell) Deptt. is directed to inform the petitioner within 7 days from today the names and designations of the final authority with whose approval the Directorate of Vig. & AC was asked to initiate the RE against EX-MLA Dr. Durllabh Chamua.
4. As regards point Nos. B and C in para 3 of the RTI petition, the Under Secretary and SPIO of Political Department submitted in his affidavit that the disclosure of the sought for informations will reveal the identity of the officers who are handling the concerned file and it may act as deterrent for them as well as other officers from boldly expressing their opinion in file. In the submissions made by the appellant and the SPIO of Political Deptt., some discrepancies were noticed in the dates of letters communicating the approval of the State Govt. for the RE and date of receipt of the Govt. letter in the Directorate of Vig. & AC. This Commission also took note of the statement made by the Superintendent of Police (Law), Directorate of Vig. & AC, Assam in his letter dated 26.8.2019 that " as approved by the Govt. vide No.PLA(V)543/2018/104 dated 24.1.2019 communicated vide letter No. PLA (V) 543/2018/109 dated 17.5.2019". It was not clear as to why two letters from the same file

were required to be issued to communicate the same matter. The appellant also produced copy of Political (Vig. Cell) Deptt's letter No.PLA(V)543/2018/104 from the Additional Secretary, Govt. of Assam, Political (Vig. Cell) Deptt. to Inspector General of Police, Vig.& AC, Assam. This letter was dated 22.1.2019. This Commission is of the view that in the interest of transparency, the SPIO of Political Deptt. is duty bound to remove the doubts generated by the above discrepancies. He is, therefore, directed to submit additional affidavit by furnishing the following informations :-

- (i) Date of receipt of the Vig. & AC's letter No.DGVA/C/2018/524-28 dated 13.12.2018 as per receipt register of the department.
- (ii) The movement of the file from which this letter was processed to take decision to initiate RE against Dr. Durlabh Chamua, Ex-MLA, giving the designation of ministerial staff and officers through whom the file moved and the period of pendency of the file with each officials, showing the dates of receipt and release of the file.

The SPIO will also furnish the information to the petitioner within 15 days from the date of receipt of this order which will take care of para 3 of the RTI petition.

5. The appellant submitted a written statement dated 13.8.2019 alleging certain discrepancies in RE on the basis of Vig. & AC's letter dated 13.12.2018. He prayed for a direction to CID, Assam to take up the matter. This Commission informed him that such directions will be out side the jurisdiction of this Commission. He is also advised that if he desires, he may take the matter separately with CID. His written statement is entered into the case records.

6. As regards point B, i.e. copies of note sheets, this Commission is of the view that since the vigilance inquiry is still on, it is not appropriate to disclose the file note sheets to the RTI applicant. Hence his prayer against point no.B of para 3 is not accepted.

7. With the above orders the second appeal petition dated 24.4.2019 is disposed of.

Sd/-

(H. S. Das)

Chief Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.



Registrar i/c

Assam Information Commission

Memo No. SIC/ KP(M)790/2019

Dated 26.08.2019

Copy to:

1. The SPIO of Political Department, Govt. of Assam, Janata Bhawan, Dispur Guwahati 6 for information. and necessary action.
2. The Director of Vigilance & Anti Corruption, Assam, Srimantapur, Guwahati 32 for information.
3. Sri Hemanta Deori, House No.2, Arun Uday Path, Christian Basti, G.S.Road, Guwahati 781005.
4. Computer Section for uploading in the Website.
5. Office File.
6. Order Book.



Registrar i/c

Assam Information Commission