

**OFFICE OF THE
ASSAM INFORMATION COMMISSION
JONAKEY COMPLEX, PANJABARI, GUWAHATI-781037**

Case No. : SIC/KP(M).171/2021
Complainant/ appellant : Sri Hemanta Deori.
Respondent : The SPIO, Political Department.
Date of hearing : 20.8.2021
Complaint/ Second : Dr. A.P. Rout.
Appeal heard by : State Chief Information Commissioner, Assam

O R D E R
20.08.2021

1. The petitioner Sri Hemanta Deori has filed RTI petition dated 1.3.2021 before the PIO, Home & Political Department seeking following information

- (A) Action taken report on letter No. DGVA/RI/2021/188 Dt. 13.01.2021 by Directorate of Vigilance & Anti Corruption, Assam.
- (B) Copy of official file note sheet in regard to letter no. DGVA/RI/2021/188 Dt. 13.01.2021 by Directorate of Vigilance & Anti Corruption, Assam.
- (C) Name & designation of officer, who dealt with the aforesaid file with period of file possession.
- (D) Current status of aforesaid approval.
- (E) Name & Designation of officer authorized to give/deny the approval.

The petitioner Sri Deori again wrote a letter to the SPIO & Under Secretary of Political Department mentioning the order of the then SCIC in case no. SIC/KP(M)790/2019 dated 26.08.2019. He has also mentioned that the information sought vide his RTI petition dated 01.03.2021 are exactly similar in nature and from the same file.

2. However, the SPIO has informed the petitioner vide letter No. PLA(V)71/2021/4 dated 5th April, 2021 that the reply received from Political (Vigilance Cell) Department has been furnished to the petitioner and in case if he is not satisfied with the information, he may prefer an appeal before the First Appellate Authority. Reportedly, the petitioner filed first appeal petition dated 07.04.2021 before the First Appellate Authority of Home & Political Department. Accordingly the first appeal hearing was fixed on 29.04.2021 and the SPIO is directed that if any portion of the information sought for could not be provided/disclosed under the relevant provisions of the RTI Act, 2005, the same may be withheld with the approval of higher authority and that part of the information which can be provided under the provisions of the RTI Act, 2005 should be provided to the applicant within the stipulated time period. Then the petitioner filed second appeal petition dated 10.05.2021 before the Commission. Accordingly, the hearing of second appeal petition is fixed today.

3. The petitioner Sri Hemanta Deori is absent. However, he has sent an email dated 19.8.2021 stating that he is out of station due to some official work and requested to fix another date of hearing.

4. Since, the petitioner's presence is not mandatory to take a decision on the hearing, the second appeal petition is taken up for hearing. His petitions are taken into consideration in the hearing.

5. The public authority i.e. the SPIO of the Political Department Sri Tapash Gupta, Under Secretary is present and has submitted a written statement dated 18th August, 2021 which is taken into records. In the written statement he has mentioned that information in respect of Point No (E) of the RTI petition has already been furnished to the petitioner and the information regarding further points are not provided as per Section 8(1)(h) of the RTI Act, 2005.

6. The Commission would like to quote the decision of the then SCIC order dated 26.08.2019 in case No SIC/KP(M)790/2019 as follows:

"The Commission is of the view that the the interest of transparency, the SPIO of Political Deptt. is duty bound to remove the doubts generated by the above discrepancies. The SPIO is, therefore, directed to submit additional affidavit by furnishing the following information:

- (i) Date of receipt of the Vig. & AC's letter No. DGVA/A/C/2018/524-28 dated 13.12.2021 as per receipt register of the department.*
- (ii) The movement of the file from which this letter was processed to take decision to initial 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."*

7. On perusal of the petition and in pursuance to the above earlier decision of SCIC, this Commission is of the view that in the interest of transparency, the SPIO of Political Deptt. is duty bound to provide information in consonant with decision of earlier SCIC and remove the doubts so generated.

8. On perusal of the written statement dated 18.8.2021 submitted by the SPIO, it is seen that vide letter No. PLA(V)90/2021/03 dated 5th of April, 2021 the Officer-on-Special Duty, Political (Vigilance Cell) Department informed the SPIO of Political Department that the file related to letter No. DGVA/RI/2021/188, dated 13.01.2021 is currently under process. Therefore, the Commission is of the view that since the file is still under process, points relating to Nos A, B and D of the RTI petition are not allowed presently.

9. However, the Commission is of the opinion that the information sought vide point No. 3(C) of the RTI petition dated 1.3.2021 should have been furnished to the appellant without any delay. Hence, the Commission orders that steps may expeditiously be taken to furnish the information regarding point No. 3(C) on receipt of concerned the file.

10. With the above direction, the second appeal petition dtd 10.5.2021 is disposed off.

Sd/-
(Dr. A.P. Rout)

Authenticated true copy.

Sd/-
Secretary & Registrar
Assam Information Commission

Memo No. SIC/ KP(M).171/2021

Dtd. 20.8.2021

Copy to:

1. The SPIO, Political Department, Dispur, Guwahati-06, Assam for information and necessary action.
2. The First Appellate Authority of Political Department, Dispur, Guwahati-06 for information.
3. The Appellant, Sri Hemanta Deori, S/o- Late Kuleswar Deori, Resident of House No-2, Arunoday Path, Christan Basti, Guwahati-05, Assam for information.
4. Computer Section for uploading in the Website.
5. Office File.
6. Order Book.

Secretary & Registrar
Assam Information Commission