



**OFFICE OF THE
ASSAM INFORMATION COMMISSION**

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Case No. : SIC/KP(M).166 /2021
Appellant : Sri Bikash Bucha
Respondent : The SPIO, o/o the Political Deptt., Govt. of Assam
Date of hearing : 22.10.2021
Second Appeal heard by : Sri Kanak Ch. Sarma
State Information Commissioner, Assam

O R D E R

22.10.2021

The appellant Sri Bikash Bucha is present.

Sri Tapash Gupta, Under Secretary to the Government of Assam and SPIO, Political (A) Deptt. is present. Sri Biju Prasad Boruah, OSD, Political Vigilance & Cabinet Cell is also present.

The SPIO, Political(A) Deptt. submits one written statement vide its letter no. PLA(V)77/2021/51 dated 07.10.2021. Along with the letter he submits a copy of the letter of the Superintendent of Police, Vigilance & Anti-Corruption Deptt., Assam bearing no. DGVA/RI/2021/2869 dated 30.09.2021.

Perused the case record. The appellant submitted one petition dated 17.03.2021 under the RTI Act, 2005 before the PIO of Political (A) Deptt., Government of Assam seeking certain informations. The SPIO of Political(A) Deptt. has given a reply to the petitioner Bikash Bucha vide its letter no. PLA(V)77/2021/4 dated 26.03.2021 where a copy of the letter bearing no. PLA(V)/81/2021/3 dated 26.03.2021 issued by the OSD, Political Vigilance Cell Deptt. was also attached stating that a criminal case has been registered and investigation is going on for which the desired informations could not be provided with as per Section 8(1)(h) of the RTI Act, 2005. Being not satisfied with the reply, the petitioner submitted 1st appeal petition dated 07.04.2021 before the 1st appellate authority of Home & Political Dett., Government of Assam. The Secretary & FAA, Home & Political Deptt. vide its order dated 29.04.2021 directed the SPIO/deemed SPIO that if any portion of the informations sought for could not be provided under the relevant provisions of RTI Act, 2005 the same may be withheld with the approval of higher authority and part of the informations which can be provided under the provision of the Act should be provided to the appellant within the stipulated time period. The contention of the appellant is that the OSD, Political (Vigilance cell) through its letter no. PLA(V)/81/2021/5 dated 26.03.2021 informed that a criminal case is registered against Sri Anamul Haque, the then Chief Engineer, Irrigation Department (now retired) and investigation is going on whereas the Directorate, Vigilance & Anti-Corruption, Assam vide letter no. DGVA/RI/RTI/2021/908 dated 11.03.2021 informed that they had not received any instruction from the Government for registering criminal case against Sri Anamul Haque, the then Chief Engineer, Irrigation

Department. It is submitted that statement of the Political(V) cell, Government of Assam and Directorate of Vigilance & Anti-Corruption, Assam are contradictory and Political (V) Cell fails to produce any documents regarding registration of criminal case and as such, the reply that the sought for informations could not be provided with as per Section 8(1)(h) of the Act is not proper.

Perused the written statement submitted by the Under Secretary & SPIO, Political(V) Deptt. through its letter no. PLA(V)77/2021/51 dated 07.10.2021. Also gone through its enclosures. The SP, Directorate of Vigilance & Anti-Corruption, Assam vide its letter no. DGVA/RI/2021/2869 dated 30.09.2021 informed the OSD, Political(Vigilance Cell) Deptt., that a criminal case vide ACBPS Case No.06/2021 U/S 13(1)(b)/13(2) of the PC Act, 1988 (as amended 2018) has been registered against Sri Anamul Haque, the then Chief Engineer, Irrigation Department as per approval of Government and the case is under investigation.

In view of the above, **the Commission observes that since a criminal case has been registered against Sri Anamul Haque, the then Chief Engineer, Irrigation Department and the case is under investigation, as such, the reply of the deemed SPIO i.e. OSD, Political Vigilance Cell Deptt., Government of Assam is upheld.**

With the above directions, the 2nd appeal dated 10.05.2021 is disposed of.

Sd/-
(Kanak Ch. Sarma)
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy

Sd/-
Secretary & Registrar
Assam Information Commission

Memo No. SIC/KP(M).166 /2021

Dtd.22.10.2021

Copy to:

1. Shri Tapash Gupta, Under Secretary & SPIO, Political Department, Govt. of Assam, Dispur, Guwahati- 6 for information and necessary action.
2. First Appellate Authority/Home & Political Department, Govt. of Assam, Dispur, Guwahati- 6 for information.
3. The appellant, Sri Bikash Bucha, Flat No. T-5C, Protech Park, Hengrabari, Guwahati- 781 036 for information.
4. Computer Section for uploading the order in the Website.
5. Office File.


Secretary & Registrar
Assam Information Commission