

**Case No.** : SIC/KP(M).129/2021  
**Complainant/ Appellant** : Shri Bikash Bucha.  
**Respondent** : The SPIO/Superintendent of Police, O/o the  
Directorate of Vigilance and Anti Corruption,  
Assam, Srimantapur, Guwahati, PIN Code 781032.  
**Date of Hearing** : 16-09-2021  
**Complaint/ Second  
Appeal heard by** : Shri Samudra G. Kashyap.  
State Information Commissioner, Assam

**O R D E R**  
**16-09-2021**

1. The appellant Shri Bikash Bucha is present.
2. The SPIO/Superintendent of Police, O/o the Directorate of Vigilance and Anti Corruption, Assam, Guwahati, is absent without any information regarding his absence in today's hearing. The Commission however received a letter No. DGVA/RI/RTI/2021/2644 dated 14.09.2021 in response to the Commission's notice of hearing dated 03.09.2021, in which it has been stated that while point to point reply to all the queries made by the appellant Shri Bikash Bucha has been already provided, copy of the enquiry report which the appellant has sought in the 2<sup>nd</sup> part of his query No. (i) has not been provided. The SPIO has invoked provisions of Section 8 (1)(j) of the RTI Act and stated that the said enquiry report which has been shared with Government of Assam cannot be provided to the appellant as it contains certain personal informations about the person against whom enquiry was conducted. The SPIO has also pleaded that the disclosure of the same has no relationship to any public activity or public interest and it can cause unwarranted invasion of the privacy of the person against whom enquiry was conducted.
3. The Commission has also received letter No. DGVA/RI/RTI/2021/2646 dated 14.09.2021 dated 14.09.2021 from the First Appellate Authority and DIG of Police, Vigilance and Anti Corruption, Assam, Guwahati, in response to the Commission's notice for hearing dated 03.09.2021. The FAA has apprised the Commission about steps taken to dispose of the 1<sup>st</sup> Appeal petition of the appellant within the stipulated period. A copy of the decision of the FAA taken on 05.04.2021 upholds the stand of the SPIO in refusing to share a copy of the above-mentioned enquiry report by taking resort to Section 8(1)(j) of the RTI Act, 2005.
4. The appellant, during the course of today's hearing, however claimed that sharing of enquiry report was not exempted by the RTI Act as claimed by the SPIO and the FAA. The appellant has referred to a Central Information Commission order dated 23.08.2018 (CIC/CBRUI/A/2017/134474 : B Bharathi vs CPIO & Head of Branch, Central Bureau of Investigation, Anti Corruption Branch, Chennai,) and pointed out that the proviso to Section 24(4) of the RTI Act clearly states that information

pertaining to allegations of corruption and human rights violation shall not be excluded under this Sub Section.

5. When asked to justify the public interest involved in seeking a copy of the enquiry report and how such public interest outweighs the harm to the protected interest of the individuals against whom the enquiry was conducted, the appellant Shri Bikash Bucha said. (i) The concerned enquiry was conducted by the Vigilance and Anti Corruption Directorate on the basis of a complaint lodged by him in 2018, (ii) the person against whom he had lodged a complaint and against whom the enquiry was conducted was a public servant (MLA) of Nagaon Constituency from 2011 to 2016, and that a person contesting election and becoming a MLA is bound to disclose almost all his/her personal information to the public by way of submitting an affidavit to the Election Commission along with the nomination papers, (iii) he (appellant) is a bonafide voter of the constituency in which the concerned person had contested election and had won and represented the constituency from 2011 to 2016.
6. **In view of the above, the SPIO, Directorate of Vigilance & Anti Corruption, Assam, Guwahati, is directed to provide, within 15 (fifteen) days a copy of the said enquiry report to the appellant, provided it does not adversely affect further action being initiated or are required to be initiated on the basis of the findings of the said enquiry report. The said information shall be provided to the appellant within 15 (fifteen) days from the date of receipt of this order with an intimation to the Commission.**
7. With the above, order this 2<sup>nd</sup> Appeal is hereby disposed of.

Sd/-  
(Samudra G. Kashyap)  
State Information Commissioner,  
Assam.

Authenticated true copy.

Sd/-  
Secretary & Registrar  
Assam Information Commission

**Memo No. SIC/KP(M).129/2021/34-A**

**Dated: 16-09-2021**

Copy to:

1. The SPIO/Superintendent of Police, O/o the Directorate of Vigilance and Anti Corruption, Assam, Srimantapur, Guwahati, PIN Code 781032 for information and necessary action.
2. The First Appellate Authority/ Deputy Inspector General of Police, Directorate of Vigilance and Anti Corruption, Assam, Srimantapur Guwahati, PIN Code 781032, for information.
3. The petitioner, Shri Bikash Bucha, Flat No. T-5C, Tower Block, Protech Park, P.O. Hengrabari, Guwahati, PIN Code 781036, Assam, for information.
4. Computer section for uploading in the website.
5. Office File.
6. Order Book.



Secretary & Registrar  
Assam Information Commission.