

- 1. Name of the State Commission:** Assam Information Commission

- 2. Order No & date:** KP(M)142/2018 dated 28-05-2018 and 11-03-2018 by Shri H.S. Das, IAS(Rtd.), State Chief Information Commissioner.

- 3. Subject /Section/Issue:** Suspected plagiarism and malpractices in Ph.D. thesis.

- 4. Operative Section:** Section 19(3) of the RTI Act, 2005.

Summary:

The gist of the case is that there was striking similarities between two Ph.D. theses in physics submitted by two scholars who submitted their theses on 30-06-2001 and 31-12-2002 respectively. Therefore, the appellant filed an allegation petition on 21-10-16 before the concerned authority of Gauhati University for inquiry and for taking appropriate action. This was followed by an RTI petition dated 28-10-17 to know whether any inquiry was conducted and concluded into the allegations made by him. In the course of hearing, the SPIO of Gauhati University submitted before the Commission that the allegations made by the petitioner were discussed in the Executive Council (EC) and as per EC's resolution the matter was forwarded to the legal authority seeking their opinion. The SPIO enclosed a copy of his letter dated 09-12-2017 furnishing the petitioner a copy of the EC's resolution mentioned above on the committee's report on plagiarism constituted on 22-09-2016 and a copy of the Ph.D award list which shows that the names of the two scholars involved in the alleged matter were awarded Ph.D. in the 2002 and 2004 respectively. The petitioner submitted that he did not receive the above mentioned letter and the enclosures. The Registry of the Commission was directed to hand over a copy of the letter along with copy of the resolution of the EC and other enclosures to the petitioner.

The opinion of the Standing Counsel of the Gauhati University, to whom the matter was referred as per EC's resolution, was yet to come.

In view of the above, the Commission directed the SPIO concerned to furnish a copy of the Inquiry report to the petitioner within 15 days which will meet the requirement of point

no. 3(a), i.e. whether the inquiry has been concluded and 3(d) of the RTI petition, i.e. the respective dates and years in which the concerned scholars were awarded Ph.D. As regards point No. 3(b), i.e. the percentage of plagiarism, if any, the SPIO submitted that since the Ph.D. degrees were awarded to the above mentioned two scholars in the years 2002 and 2004 respectively, the allegation of plagiarism will have to be examined and ascertained from the inquiry report itself, as no software was available to detect the plagiarism at that time. As regards point no 3(c), i.e. corrective measures taken by the university authority against the alleged plagiarism, it appeared to the commission that no final decision has been taken yet. The Commission directed the Gauhati University to also obtain opinion of the standing Counsel which has been pending with him for more than two years, without any further delay, take a final decision on the matter and communicate the same to the petitioner within 45 days from the date of the order.

The appellant again came up with a petition alleging non-compliance of Commission's order dated 28-5-2018. The matter was heard and found that a copy of the Inquiry report was furnished to the RTI petitioner in compliance of Commission's order mentioned above. The opinion of the standing counsel and concerned Supervisor professor were also received and placed before the Inquiry Committee. The Committee submitted its report on 26-12-2018 which was placed before the Executive Council on 20-02-2019. Resolution of the Executive Council was still awaited. The appellant requested for a direction from the Commission to the University authority for an early decision in the matter, because any delay may amount to giving undue advantage to the two Ph.D. degree holders, if their Ph.D. degrees are found liable to be withdrawn on grounds of plagiarism.

The Commission viewed that on a matter like this; there should be no further delay in arriving at a decision by then competent authority. The Commission was also of the view that while it can direct the concerned PIO to furnish information that has already been generated and exists, it may be beyond its remit to direct the GU authorities to create and furnish the informations which have not yet been generated because necessary decision in this regard is yet to be taken.



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

Case No. : KP(M).142 /2018
Complainant/ appellant : Shri Swarup Jyoti Bordoloi
Respondent : SPIO of Gauhati University, Guwahati-14
Date of hearing : 11.03.2019
Complaint/ Second : Shri H.S. Das, IAS (Retd)
Appeal heard by : Chief Information Commissioner, Assam

O R D E R
11.03.2019

1. The appellant Shri Swarup Jyoti Bordoloi is represented by his learned advocate, Shri Jadu Mani Gogoi. The appellant Shri Swarup Jyoti Bordoloi has submitted a written statement also, which was dated 11.3.2019. The public authority, i.e. Gauhati University is represented by Deputy Registrar and PIO Dr. Prasanta Barman of Gauhati University (GU) accompanied by Shri Tridip Kalita, attached to the PIO. The PIO and Deputy Registrar of GU also sent a written statement dated 5.3.2019 with copy to the appellant.
2. With his WS dated 5.3.2019 the Deputy Registrar and PIO of GU filed some supporting documents as attachment. It has been stated that in compliance of this Commission's order dated 28.5.2018, a copy of the report of the Inquiry Committee has already been furnished to the petitioner on 15.6.2018.
3. It has also been stated in the above mentioned WS that the legal opinion of the Standing Counsel and opinion of the concerned Supervisor Professor were also received and placed before the Inquiry Committee. The Committee submitted its report on 26.12.2018, which was placed before the Executive Council of GU on 20.2.2019. It has been mentioned in the WS that resolution of the Executive council is awaited.
4. The appellant in his WS dated 11.3.2019 has expressed concern about the delay in taking a decision by the Gauhati University authorities on the two allegedly plagiarized Ph.D. thesis. The appellant's learned advocate submitted that the competent authority of GU should not make any further delay in taking a definite decision on the report of the Inquiry Committee read with the legal opinion of the University's standing counsel and the opinion of the Supervisor. The learned advocate requested for a direction from this Commission to the GU authorities for an early decision in the matter. Because, any delay may amount to giving undue advantage to the two Ph. D. degree holders, if their Ph.D. degrees are found liable to be withdrawn on grounds of plagiarism.
5. This Commission is of the view that on a matter like this, there should be no further delay in arriving at a decision by the competent authority of the GU. However, while this Commission can direct to furnish information that has already been generated and exists, it may be beyond its competence to direct the GU authorities to create and furnish informations which have not yet been generated because necessary decision in

that regard is yet to be taken. It is, however, noted that the PIO of GU has mentioned in his WS dated 5.3.2019 that the present status of the matter has already been brought to the notice of the Governor of Assam, who is the ex-officio Chancellor of the GU. This Commission does not appear to have any cause of action at this stage. Hence the second appeal petition is disposed of.

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).142/2018/59

Dated. 11.03.2019

- Copy to: 1. The Secretary to the Governor of Assam, Raj Bhawan, Guwahati-1 for information.
2. The Deputy Registrar and PIO of Gauhati University, Gopinath Bordoloi Nagar, Guwahati-14 for information.
3. Shri Swarup Jyoti Bordoloi, House No. 8, Konwachal, PO- Silpukhuri, Guwahati-3 for information.
4. Computer Section for uploading in the Website.
5. Office File.
6. Order Book


Registrar i/c
Assam Information Commission