

RTI REQUEST DETAILS (आरटीआई अनुरोध विवरण)			
Registration Number (पंजीकरण संख्या) :	IITGW/R /E/20/00083	Date of Receipt (प्राप्ति की तारीख) :	17/07/2020
Type of Receipt (रसीद का प्रकार) :	Online Receipt	Language of Request (अनुरोध की भाषा) :	English
Name (नाम) :	Dr Rajesh K Srivastava	Gender (लिंग) :	Male
Address (पता) :	Dept of Mathematics, IIT guwahati, 781039, Pin:781039		
State (राज्य) :	Assam	Country (देश) :	India
Phone Number (फोन नंबर) :	+91-9415290070	Mobile Number (मोबाईल नंबर) :	+91-9415290070
Email-ID (ईमेल-आईडी) :	rksri76@gmail.com		
Status (स्थिति) (Rural/Urban) :	Urban	Education Status :	
Is Requester Below Poverty Line ? (क्या आवेदक गरीबी रेखा से नीचे का है?) :	No	Citizenship Status (नागरिकता) :	Indian
Amount Paid (राशि का भुगतान) :	10) (original recipient)	Mode of Payment (भुगतान का प्रकार) :	Payment Gateway
Does it concern the life or Liberty of a Person? (क्या यह किसी व्यक्ति के जीवन अथवा स्वतंत्रता से संबंधित है?) :	No(Normal)	Request Pertains to (अनुरोध निम्नलिखित संबंधित है) :	Dilip Boro
Information Sought (जानकारी मांगी):	A. It is mentioned that Prof. S. N. Bora and Prof. Rifikul Alam, ex. Heads of Department of Mathematics, IIT Guwahati, have been served CALL FOR EXPLANATIONS by order of the Chairman Board of Governors of IIT Guwahati dated 27.01.2020 vide Office Order AD/LM/RS/429/16/Vol-II/5 and AD/LM/RS/429/16/Vol-II/6 respectively regarding the alleged corruption committed by Prof. S.N. Bora and Prof. Rifikul Alam.		

It is to be noted that the CALL FOR EXPLANATION dated 27.01.2020 vide Office Order AD/LM/RS/429/16/Vol-II/5 issued to Prof. S. N. Bora, after receiving complaints through MHRD, whereas the CALL FOR EXPLANATION dated 27.01.2020 vide Office Order AD/LM/RS/429/16/Vol-II/6 issued to Prof. Rafikul Alam, after receiving complaints through the Board of Governors IIT Guwahati. Please find a soft copy of CALL FOR EXPLANATIONS attached.

B. Further on 09.03.2020 vide Office Order AD/LM/RS/429/16/17, an inquiry committee comprising two members (Prof. J.S. Patil, Vice-Chancellor, NLUJA, Guwahati. and Prof. N.C. Talukdar, Director, IASST, Guwahati) has been constituted to submit its report and recommendations within 90 days from the date (09.03.2020) of issue of this Office Order, together with Mr. Labanu K. Konwar appointed as the Presenting Officer.

After going through the chronology of the above proceedings dated 27.01.2020 to 09.03.2020 vide Office Order AD/LM/RS/429/16/Vol-II/5, AD/LM/RS/429/16/Vol-II/6, and AD/LM/RS/429/16/17 together with the guidelines for disciplinary proceedings of IIT Guwahati (attached), it seems that the concerned authority of IIT Guwahati may have issued SHOW-CAUSE NOTICES (having mention of specific charges of alleged corruption that might be framed through a brief preliminary inquiry) to Prof. S. N. Bora and Prof. Rifikul Alam by the concerned authority of IIT Guwahati.

1. Please provide a copy of SHOW-CAUSE NOTICES if issued in the above matter to Prof. S. N. Bora and Prof. Rifikul Alam by the concerned authority of IIT Guwahati. Please note that the aforesaid SHOW-CAUSE NOTICES should be different from CALL FOR EXPLANATIONS issued to Prof. S. N. Bora and Prof. Rifikul Alam, ex. Heads of Department of Mathematics, IIT Guwahati on 27.01.2020 by the Chairman Board of Governors of IIT Guwahati.

2. In the event of issuance of SHOW-CAUSE NOTICES to Prof. S. N. Bora and Prof. Rifikul Alam by the concerned authority of IIT Guwahati, to examine the alleged corruption committed by Prof. S. N. Bora and Prof. Rifikul Alam, whether Prof. S. N. Bora and Prof. Rifikul Alam, ex. Heads of Department of Mathematics, IIT

Guwahati, are placed under suspension. Please refer to the guidelines of the disciplinary proceedings of IIT Guwahati attached.

[Print](#)[Save](#)[Close](#)



Ref. : AD/LM/RS/429/16/Vol-II/05

Date: 24.01.2020

CALL FOR EXPLANATION

Whereas a complaint has been received against you for resorting to malafide advertisement for faculty selection held on 12.04.2016 and an incident of missing answer-script of Ph.D. written screening test held during 06.12.2016 and,

Whereas, the complaint so received has been forwarded by the MHRD vide their letter F.No.6-11/2019-T.S.I dated 08.11.2019 (copy enclosed) and,

Further, the Dean of Faculty Affairs has taken into cognizance of the complaint so received and recommended for an Independent inquiry.

You are therefore requested to respond to the charges in the complaint within 10 days from the date of receipt of this letter to the undersigned.

This letter is issued by the order of the Chairman, BoG.


(Registrar & Secretary to the BoG) 27/01

To,
Dr. Swaroop Nandan Bora
Professor
Department of Mathematics, IIT Guwahati

Copy to :

1. Director, IIT Guwahati
2. Dy. Director, IIT Guwahati
3. Dean of Faculty Affairs, IIT Guwahati
4. Concerned File



भारतीय प्रौद्योगिकी संस्थान गुवाहाटी
INDIAN INSTITUTE OF TECHNOLOGY

REGISTRAR'S OFFICE

Ref. : AB/LM/RS/429/16/Vol. 9/06

Date: 24.01.2020

CALL FOR EXPLANATION

Whereas a complaint has been received against you, on an incident of alleged corruption as the Head of the Department of Mathematics, for illegal procurement of 200 copies of a book in 2007 and on an incident of corruption during faculty selection held during your tenureship as Head, Department of Mathematics in 2008.

Whereas, the complaint dated 24.12.2019 has been received by the Board of Governors, IIT Guwahati (copy enclosed) and,

Further, the Dean of Faculty Affairs has taken into cognizance of the complaint so received and recommended for an Independent inquiry.

You are therefore requested to respond to the charges in the complaint within 10 days from the date of receipt of this letter to the undersigned.

This letter is issued by the order of the Chairman, BoG.


(Registrar & Secretary to the BoG)

To,
Dr. Rafikul Alam
Professor
Department of Mathematics, IIT Guwahati

Copy to :

1. Director, IIT Guwahati
2. Dy. Director, IIT Guwahati
3. Dean of Faculty Affairs, IIT Guwahati
4. Concerned File



भारतीय प्रौद्योगिकी संस्थान गुवाहाटी
INDIAN INSTITUTE OF TECHNOLOGY

REGISTRAR'S OFFICE

Ref. : AD/LM/RS/429/16/JY

Date: 09.03.2020

OFFICE ORDER

An Inquiry Committee with the following members is constituted by the Competent Authority of the Institute to examine the complaints made by Dr. Rajesh K. Srivastava to The Chairman, IIT Council and the Minister of HRD, dated: 17.10.2019 and the Chairman, BOG, IIT Guwahati, dated: 24.12.2019:

1. Prof. J.S. Patil, Vice Chancellor, NLUJA, Guwahati.
2. Prof. N.C. Talukdar, Director, IASST, Guwahati.

The Committee is requested to submit its report and recommendations within 90 days from the date of issue of this Office Order.

Mr. Labanu K. Konwar has been appointed as the Presenting Officer.

This is issued with the approval of the Competent Authority.


(Registrar & Secretary to the BoG)

Copy to:

1. Prof. J.S. Patil, Vice Chancellor, NLUJA, Guwahati
2. Prof. N.C. Talukdar, Director, IASST, Guwahati
3. Dr. Swaroop Nandan Bora, Professor, Department of Mathematics
4. Dr. Rafikul Alam, Professor, Department of Mathematics
5. Presenting Officer
6. Dean of Faculty Affairs – for kind information
7. Director's Office / Dy. Director's Office / Registrar's office –for kind information
8. Concerned File

INDIAN INSTITUTE OF TECHNOLOGY GUWAHATI

DISCIPLINARY PROCEDURES

(Approved in the 83rd meeting of the BOG held on 26.12.2015 vide Resolution No.R_83BOG/07/2015)

The guidelines of disciplinary proceedings for the employees of Indian Institute of Technology Guwahati is to be read with relevant provisions as laid down in the Statute of the Institute.

1. Preliminary Inquiry:

- i. **(a)** Wherever an offence/ misconduct by employee (s) is identified, an intimation about the commission is to be sent to the Director by the concerned Head of the Department, Head of the Section and/or Head of the Centre.
(b) When a member of staff or a student feels aggrieved due to misconduct/ harassment by an employee, the concerned staff or student may send a written complaint of the same to the Director invariably through concerned Head of the Department, Head of the Section and/or Head of the Centre. In special circumstances, such complaints may be sent directly to the Director of the Institute.
(c) Even in the absence of written complaints, for reasons to be recorded, the Director himself may initiate preliminary inquiry against an employee (s).
- ii. On receipt of such intimation, the Director may order to conduct a Preliminary Inquiry.
- iii. **(a)** Preliminary Inquiry may be conducted by an Inquiry Officer/Inquiry Committee. The Preliminary Inquiry is in the nature of “Fact –finding Inquiry” and may be conducted ex-parte for it is merely for the satisfaction of the concerned Authority.
(b) The Grade Pay of the Inquiry Office/Members of the Preliminary Inquiry Committee shall invariably have to be higher than that of the defendant; or at least be equal to that of the charged employee.
(c) At least one member in the Preliminary Inquiry Committee shall be of the same gender, as that of the defendant employee.

- iv. At the Inquiry, available evidences and relevant documents should be collected and in important cases, evidences of witness be recorded in writing and got signed by them.
- v. During the course of such an Inquiry for the sake of fairness, the employee should be given an opportunity to say about the allegations against him/ her.
- vi. The Investigation Report along with the preliminary evidence collected is to be examined by the Director to come to a decision whether a prima- facie case exists for initiation of a formal Disciplinary Proceeding.
- vii. SPEAKING ORDERS to be then issued to that effect.

2. Initiation of Disciplinary Proceedings:

In consideration of the Report of the concerned Head of the Department, Head of the Section and/or Head of the Centre; or a complaint received directly from a member of staff or student (s); and the Preliminary Report of the Committee, the Director shall decide whether formal Disciplinary Proceedings should be instituted against the employee as provided under Clause 15(9) of the Statute for imposing major or minor penalty. It has to be borne in mind that the nature of disciplinary action and the quantum of punishment are to commensurate with the gravity of the offence alleged to have been committed.

At this stage, the seriousness of the misconduct and the character of the charged employee shall come into consideration.

3. Suspension :

It is at this stage the Director has to decide whether, pending disciplinary proceedings, the employee is to be placed under suspension and issue orders accordingly as empowered under Clause 15(9) of the Statute of the Institute. The prescribed format for communicating the order of suspension is at **Annexure-I**.

4. Penalties:

The following are the penalties as provided in the Statute under Clause 15(9):

- i. Censure,
- ii. Withholding of increments or promotions,

- iii. Recovery for the whole or part of any pecuniary loss caused to the Institute by negligence or breach of orders,
- iv. Reduction to lower service, grade or post or to a lower time-scale or to a lower stage in a time-scale,
- v. Compulsory Retirement,
- vi. Removal from service which shall not be a disqualification for future employment under the Institute,
- vii. Dismissal from service which shall be ordinarily be a disqualification for future employment under the Institute.

5. Disciplinary Authorities:

No order imposing on any member of the staff any of the penalties specified at (iv) to (vii) above shall be passed by any Authority sub-ordinate to that by which he/she was appointed and except after an Inquiry has been held and the member of the staff has been given reasonable opportunity of showing cause of action proposed to be taken in regard to him/her.

No order imposing on any member of the staff any of the penalties specified at (i) to (iii) above shall be passed by any Authority sub-ordinate to by which he/she was appointed and unless the member of the staff concerned has been given an opportunity to make a representation to the Appointing Authority.

6. Procedure for imposing penalties under (i) to (iii) of Clause 15 (9) of the Statute:

- i. After the Disciplinary Authority decides for imposing penalties, the employee is to be informed in writing about the proposal to take action against him. Form-II as given in Annexure-II is to be accompanied by a statement of misconduct for which action is proposed to be taken.
- ii. Reasonable time to be given to the charged employee for making representation.
- iii. The delinquent employee should be given the facility of inspecting records for preparing his/her written statement.

- iv. On receipt of the representation, the Disciplinary Authority may pass appropriate orders, recording its findings after taking such representations into account or may hold an Inquiry, if Disciplinary Authority so decides that
- v. such an inquiry is necessary. In such circumstances, the procedure of Inquiry as provided for imposing penalties under (iv) to (vii) of Clause 15 (9) of the Statute be followed.
- vi. On receipt of Inquiry Report, Disciplinary Authority will give a personal hearing to the employee, record its findings and make a final order.
- vii. If the charges levied on the employee have not been proved, he/she is to be exonerated and Speaking Orders to the effect must be issued in the prescribed form- III of **Annexure-III**.
- viii. If the Disciplinary Authority is of the opinion that any of the penalties under (i) to (iii) of Clause 15 (9) of the Statute is to be imposed, it may pass an order to the effect and should be communicated to the employee in the form- III as in **Annexure-III**.

7. Procedure for imposing penalties under clause (iv) to (vii) of 15(9) of the Statute:

- (1) Whenever the Disciplinary Authority is of the opinion that there are grounds for inquiring into the truth of any imputation of offence/misconduct or misbehaviour against an institute employee, it will appoint an Authority to inquire the truth thereof.
- (2) The delinquent employee of the institute should be served with a charge sheet, as in form-IV in **Annexure-IV** duly accompanied by:
 - (i) The substance of the imputations of offence/misconduct or misbehaviour into definite and distinct articles of charge,
 - (ii) A statement of the imputations of offence/misconduct or misbehaviour in support of each article of charge, which shall contain-
 - a) A statement of all relevant facts including any admission or confession made by the employee.
 - b) A list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained.
 - (iii) Reasonable time not exceeding 10 working days be given to the employee

- (iv) Even if the employee admits of commission of such misconduct the issue of charge sheet is obligatory before a penalty can be imposed.

8. Inquiry:

- (1) On receipt of the written statement of defense, the Disciplinary Authority shall appoint an Inquiry Officer/ Committee to inquire into the truth of the charges not admitted.

The Appointment of Inquiry Officer/ Inquiry Committee shall be communicated in the form as enclosed in **Annexure-V**.

- (2) The Disciplinary Authority shall forward to the Inquiry Officer/ Committee:

- i. Copies of the articles of charge and the statement of the imputation of offence/ misconduct or misbehaviour.
- ii. A copy of Written statement of defense if any submitted by the employee.
- iii. A copy of the list of witnesses to be produced by the Institute.
- iv. Evidence proving the delivery copies of the documents to the employee.
- v. A copy of the list of witnesses if any furnished by the employee.
- vi. A copy of the order appointing the Inquiry Officer and Presenting Officer.

- (3) (a) The Inquiry Officer/ Inquiry Committee, on receipt of the documents, shall proceed with the Inquiry by sending a notice to the delinquent officer to appear in person before the Inquiry Officer/ Inquiry Committee on such day and at such time within 10 working days.

(b) The member/members of the Inquiry Committee shall invariably be higher in rank and Grade Pay than that of the employee against whom the inquiry is being held; or at least be equal to that of the charged employee.

(c) At least one member in the Inquiry Committee shall be of the same gender as that of the defendant employee.

- (4) If the employee who has not admitted any of the articles of charge in his/her written statement of defense appears before the Inquiring Authority, such Authority shall ask him/her whether he/she is guilty or has any defense to make and if he/she pleads guilty to any of the articles of charge, the Inquiring Authority shall record the plea, sign the record and obtain the signature of the employee thereon.

- (5) The Inquiring Authority shall return a finding of guilt in respect of those articles of charge to which the employee pleads guilty.
- (6) A Presenting Officer on behalf of the Disciplinary Authority shall be appointed by orders of the Director to present the case of the Department before the Inquiring Officer.
- (7) The Inquiry Officer shall send a written communication to the delinquent employee asking whether he/she wishes to appoint a Presenting Officer to assist him/her during the course of investigation. If the charged employee wishes to appoint a Presenting Officer, the name, designation and complete contact details together with a consent letter from such Presenting Officer shall be provided by the delinquent employee to the Inquiry Officer. It shall be made clear to the delinquent employee that;
 - (i) No TA/DA shall be paid to the Presenting Officer by the Institute for attending the proceedings of the inquiry.
 - (ii) The delinquent employee shall directly be responsible for the conduct and behavior of the Presenting Officer during the inquiry proceedings.
- (8) The Inquiring Authority shall, if the employee fails to appear within the specified time or refuses or omits to plead, require the Presenting Officer of the Disciplinary Authority to produce the evidence by which he proposes to prove the articles of charge, and shall adjourn the case to later date not exceeding thirty days, after recording an order that the employee may, for the purpose of preparing his/her defense-
 - i. Inspect documents referred to in the annexure to the charge sheet.
 - ii. The employee may for the purpose of defense submit with a written statement of his/her defense a list of witnesses to be examined on his/her behalf.
- (9) The Inquiring Authority shall on receipt of the notice for the discovery or production of documents, forward the same or copies thereof to the Authority in whose custody or possession the documents are kept, with a requisition for the production of the documents by such date as may be specified in such requisition. Provided that the Inquiring Authority may, for reasons to be recorded by it in writing, refuse to requisition such of the documents as are, in its opinion, not relevant to the case.

- (10)** On the date(s) fixed for the inquiry, the oral and documentary evidence by which the articles of charge are proposed to be proved shall be produced by the Disciplinary Authority or by the Presenting Officer on behalf of the Disciplinary Authority. The witnesses shall be examined by or on behalf of the Presenting Officer and may be cross-examined by or on behalf of the employee. The Presenting Officer of the defendant employee shall be entitled to re-examine the witnesses on any points on which they have been cross-examined but not on any new matter, without the permission of the Inquiring Authority. The Inquiring Authority may also put such question to the witnesses as it thinks fit.
- (11)** If it shall appear necessary before the close of the case on behalf of the Disciplinary Authority, the Inquiring Authority may, in its discretion, allow the Presenting Officer of the Disciplinary Authority to produce evidence not included in the list given to the employee or may itself call for new evidence or recall and re-examine any witness and in such case the employee shall be entitled to have, if he/she demands it, a copy of the list of further evidence proposed to be produced and an adjournment of the inquiry for 3 days before the production of such new evidence, exclusive of the day of adjournment and the day to which the inquiry is adjourned. The Inquiring Authority shall give the employee an opportunity of inspecting such documents before they are taken on the record. The Inquiring Authority may also allow the employee to produce new evidence if it is of the opinion that the production of such evidence is necessary, in the interest of justice.
- (12)** When the case for the Disciplinary Authority is closed, the employee shall be required to state his/her defense, orally or in writing, as he/she may prefer. If the defense is made orally, it shall be recorded, and the employee shall be required to sign on the record. In either case, a copy of the statement of defense shall be given to the Presenting Officer, if any, appointed.
- (13)** The evidence on behalf of the employee shall then be produced. The employee may examine himself/herself on his/her own behalf if he/she so prefers. The witnesses produced by the employee shall then be examined and shall be liable to cross-examination, re-examination and examination by the Inquiring Authority according to the provisions applicable to the witnesses for the Disciplinary Authority.

- (14) The Inquiring Authority may, after the employee closes his/her case and shall, if the employee has not examined himself/herself, generally question him/her on the circumstances appearing against him/her in the evidence for the purpose of enabling the employee to explain any circumstances appearing in the evidence against him/her.
- (15) The Inquiring Authority may after the completion of the production of the evidence, hear the Presenting Officer of the delinquent employee, if any, appointed and the employee, or permit them to file written briefs of their respective case, if they so desire.
- (16) If the employee to whom a copy of the article of charge has been delivered, does not submit the written statement of defense on or before the date specified for the purpose or does not appear in person before the Inquiring Authority or otherwise fails or refuses to comply with the provisions of this rule, the Inquiring Authority shall proceed with the inquiry ex-parte.

9. Report of the Inquiry Officer/Inquiry Committee:

The report of the Inquiry Officer/ Inquiry Committee should contain:

- 1) An introduction, indicating appointment of Inquiry Officer/ Inquiry Committee, appointment of the Presenting Officer (s) and the dates of hearing.
- 2) Charges that were framed.
- 3) Charges that were admitted or dropped or not pressed.
- 4) Charges actually inquired into.
- 5) Brief statement of the case of Disciplinary Authority in respect of the charges enquired into.
- 6) Brief statement of facts and documents admitted.
- 7) Points for determination or issues to be decided.
- 8) Brief statement of the case of the Institute employee.
- 9) Assessment of evidence in respect of each point.
- 10) Findings on each charge.

Along with the report, the Inquiry Officer/Inquiry Committee should send a file containing the following:

- a) List of exhibits produced by the Presenting Officer.

- b) List of exhibits produced by the delinquent employee.
- c) List of prosecution witnesses.
- d) List of defense witnesses.
- e) A file containing deposition of witnesses in the order in which they were examined.
- f) A file containing orders.
- g) A file containing written statement of defense.
- h) Written briefs of both sides.
- i) Applications, if any filed during the course of inquiry, and orders passed thereon, as also orders passed on oral request made during the Inquiry.

10. Findings of the Disciplinary Authority.

On receipt of the Inquiry Report, the Disciplinary Authority shall consider the Inquiry Report and pass suitable orders.

If the Disciplinary Authority is of the opinion that any of the penalties under (iv) to (vii) under Clause 15 (9) of the Statute are to be imposed, it shall pass SPEAKING ORDERS accordingly.

A formal memo in the form as in the **Annexure-VI** is to be issued to the Institute employee concerned forwarding a copy of the Inquiry Report and communicating him/her the orders of the Disciplinary Authority on the proposed penalty. The employee should be given an opportunity to explain his/her position in writing and also an opportunity of personal hearing.

The Disciplinary Authority will pass final orders, after considering the written reply of the Institute employee and after giving personal hearing to the employee concerned.

The orders of the Disciplinary Authority may be communicated by itself or by an officer so authorized under the Statutes, rules and the decision of the Board of Governors- **Annexure-VII.**

11. Appeals:

Under Clause 15 (10) of the Statute of the Institute, a member of the staff aggrieved by any order imposing penalty passed by the Director against him/her shall be entitled to prefer an appeal to the Board against the order and there shall be no further appeal on the decision of the Board and a member of the staff aggrieved by any order passed by the Board against him/her inflicting a penalty on him/her shall be entitled to prefer an appeal to the Visitor against the order.

No appeal under this sub-clause shall be entertained unless it is submitted within a period of three months from the date on which the appellant receives a copy of the order appealed against provided that the Appellate Authority may entertain the appeal after the expiry of the said period, if it is satisfied that the appellant has sufficient cause for not submitting the appeal in time.

The Authority to whom an appeal against an order imposing penalty lies under the said sub-clause (10) may, of its own motion or otherwise, call for the records of the case in a Disciplinary Proceeding, review any order passed in such a case and pass such orders as it deems fit as if the member of the staff concerned had preferred an appeal against such order.

Provided that no action under this sub-clause shall be initiated more than six months after the date of the order to be reviewed.

Notwithstanding anything contained in this Statute, the Visitor may, on his own motion or otherwise after calling for the records of the case, review any order which is made under this Statute or is appealable thereunder, and—

(a) confirm, modify or set aside the order,

(b) impose any penalty or set aside, reduce, confirm or enhance the penalty imposed by the order;

(c) remit the case to the Authority which made the order or to any other Authority directing such further action or enquiry as he considers proper in the circumstances of the case, or pass such other orders as he deems fit;

Provided that - an order imposing or enhancing a penalty shall not be passed unless the person concerned has been given an opportunity of making any representation which he/she may wish to make against such enhanced penalty;

If the Visitor proposes to impose any of the penalties specified in clause (iv) to (vii) of Sub-clause (9) in a case where proper enquiry has not been held and thereafter on consideration of the proceedings of such enquiry and after giving the member of the staff concerned an opportunity of making any representation which he/she may wish to make against such penalty, the Visitor pass such orders as he may deem fit.