

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

Case No. : JRT.25./2014

Complainant/ appellant : Shri Gautam Borah

Respondent : Superintendent of Police, Jorhat, Assam

Date of hearing : 12. 2.2016

Complaint/ Second : Shri H.S. Das, IAS (Retd)
Appeal heard by : Chief Information Commissioner, Assam

O R D E R
12.2.2016

The petitioner Shri Gautam Borah is present. The Public Authority to be represented by the SPIO of the Superintendent of Police, Jorhat is absent without information. The Second appeal petition dtd 24.11.14 is taken up for hearing ex-parte in absence of the Public Authority.

From perusal of the case records it is seen that the petitioner filed his RTI application dtd 7.7.14 before the SPIO of the office of the Deputy Commissioner, Jorhat. He sought (a) photocopies of GD entries of Jorhat Sadar Police Station and Pulibor Police Station from 3.7.14 to 7.7.14, (b) copies of communications made by the office of the SP, Jorhat in connection with the alleged custodial torture of Shri Siddhartha Kaushik Dutta by some officials of the Jorhat Police, and (c) copies of communications received by the office of the SP, Jorhat on the same subject.

From perusal of the case records it is seen that the SP, Jorhat vide letter dtd 12.11.14 informed Shri Gautam Borah, the petitioner that the sought for information could not be furnished under various provisions of section 8 of the RTI Act, 2005.

This Commission is of the view that the reply of SP Jorhat is not satisfactory because it is not specific as to under which sub-section of section 8 the SP, Jorhat could not furnish the information.

It is also seen that the petitioner filed his First Appeal petition before the DIG, (Eastern Range), Assam Police, Jorhat on 19.8.14. It appears that the DIG (ER), Assam has not yet heard and passed any order on the First Appeal petition.

This Commission therefore, directs DIG (ER), Assam to hear and dispose of the First Appeal petition dtd 19.8.14 with a clear speaking order by either furnishing the information or giving clear reasons if the sought for information, or any part thereof, cannot be furnished. The First Appeal petition be heard and disposed of by the DIG (ER), Jorhat within 30 days from the date of receipt of this order. While hearing the First Appeal petition, the First Appellate Authority i.e. DIG (ER) will also seek an explanation from the SP, Jorhat and/or from the SPIO of the office of the SP, Jorhat as to why the SPIO did not attend today's hearing before this Commission in compliance with this Commission's notice No. SIC/JRT.25/2014/08 dtd 20.1.16.

Send copies of this order to the First Appellate Authority i.e. DIG (ER), Assam Police, Jorhat as well as to the Superintendent of Police, Jorhat.

Sd/-
(H. S. Das)
Assam State Chief Information Commissioner,
Panjabari, Guwahati

Authenticated true copy.

Sd/-
Secretary & Registrar
Assam State Information Commission

Memo No. JRT.25/2014/

Dtd. 12.2.2016

Copy to:

1. The Deputy Inspector General of Police (Eastern Range), Assam, Jorhat for information and necessary action.
2. The Superintendent of Police, Jorhat , Dist. Jorhat, Assam for information and necessary action.
3. Shri Gautam Borah, C/o- Col. P.K. Borah, Near Assam Netralaya, Jail Road, Jorhat-1, Assam for information.
4. Computer Section for uploading in the Website.
5. Office File.

Secretary & Registrar
Assam State Information Commission