

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

Case No. : **KP(M) 453/2016**

Complainant/ appellant : **Sri Debasis Borpujari**

Respondent : **DGP, Ulubari, Guwahati-7**

Date of hearing : **29-8-2016**

Complaint/ Second : **Shri H. S. DAS, IAS(Retd)**
appeal heard by : **State Chief Information Commissioner, Assam**

O R D E R

The petitioner Sri Debasis Borpujari is present. The public authority is represented by Smti Banya Gogoi, APS, Superintendent of Police (SOU) , office of the ADGP, S.B, Assam , Guwahati.

The second appeal petition dated 16-7-2016 is taken up for hearing in presence of both the parties.

From perusal of the case records, it is seen that the petitioner filed an RTI petition dated 8-3-2016 before the Director General of Police, Assam seeking various informations on surveillance of telephones of individuals. The S.P-S.B deposed that in official terminology this is called lawful interception of telephones following the procedure as laid down by the Ministry of Home Affairs, Govt. of India.

The RTI petition was in due course transferred to the Addl. DGP (S.B) of Assam Police. The S.P (SOU) vide her letter dated 27-5-2016 informed the petitioner that Special Branch, Assam Police is exempted from the purview of Right to Information Act, 2005 as per Section 24(4) of the RTI Act vide notification No. PLA. 384/2005/54 dated 8-3-2006.

Proviso under sub-section 4 of Section 24 of the RTI Act , 2005 states that in case of information pertaining to allegations of corruption and human rights violations, even such exempted organizations will have to furnish the information sought for by RTI petitioners. This Commission asked the petitioner to specify whose human rights have been violated, by whom and in what manner.

The petitioner sought 2 to 3 day's time to file his written submission in this regard. He is given seven days time from today to submit his written submission along with supporting documents to substantiate that violation of human rights have actually occurred to invoke the proviso under sub Section 24(4) of the RTI Act.

The petitioner furnished a copy of letter dated 28-6-2016 from the Deputy Registrar, Assam Human Rights Commission addressed to Sri Depasis Borpujari along with its enclosures.

Fix 16-9-2016 at 11.30 A.M for the next hearing.

**Sd/-
(H.S.Das)**

**Chief Information Commissioner, Assam
Panjabari, Guwahati**

**Authenticated true copy.
Sd/-
Registrar
Assam Information Commission**

Copy to:

1. Smti Banya Gogoi, APS, Superintendent of Police (SOU) , office of the ADGP, S.B, Assam , Guwahati for information with a request to remain present at the time of next hearing , as above.
2. Sri Debasis Borpujari, , National Games Village, B-5, Flat No. 304, Basistha, Guwahati-29 for information.
3. Computer Section for uploading in the Website.
4. Office File.

Registrar
Assam Information Commission