

**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**

Date of hearing : **16-9-2016**

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

**O R D E R**

The appellant Sri Debasis Borpujari is present. The public authority is represented by Ms Banya Gogoi, APS, Superintendent, (SOU), S.B (H.Q) , Guwahati.

The second appeal petition dated 16-7-2016 is taken up for further hearing in continuation of this Commission's earlier order dated 29-8-2016.

In its earlier order dated 29-8-2016 this Commission directed the petitioner to specify whose human rights had been violated, by whom and in what manner. He was given 7 days' time to submit his written submission along with supporting documents to substantiate that violation of human rights had actually occurred, necessitating invocation of the provision under sub-section 24(4) of the RTI Act, 2005.

The appellant did not make any written submission. He furnished only a copy of of letter dated 28-6-2016 from the Deputy Registrar of Assam Human Rights Commission addressed to the petitioner Sri Debasis Borpujari, requesting him to furnish his comments within 18-7-2016 on the report of the Deputy Commissioner of Police (Crime) Guwahati dated 17-6-2016. He did not submit any other supporting documents to substantiate that violation of his human rights had actually occurred. The above mentioned letter from Human Rights Commission also does not indicate whose human rights was violated, by whom, and in what manner. The Assam Human Rights Commission letter dated 28-6-2016 only indicates that some matter relating to Sri Debasis Borpujari is pending before the Human Rights Commission.

The SPIO of SP (S.B) has submitted a written statement dated 16-9-2016. In her written submission she stated that the appellant Sri Debasis Borpujari was involved in some altercations and pull and push with security personnel on duty during the Assam Assembly session in February, 2016. Accordingly, the petitioner Sri Borpujari lodged an FIR at Dispur P.S which was registered by the Dispur P.S as FIR No 206/2016 under Section 341/325/34 IPC. It is stated in the written statement that investigation in this case is continuing.

She has also mentioned in the written statement that Sri Ramesh Das, SI of S.B, lodged another FIR on the same incident which was registered vide Dispur P.S FIR No. 209/2016 under Section 294/353/506 IPC. Investigation in that case is also continuing as stated in the written statement. It is also stated in the written statement that again on 20-5-2016 the petitioner was engaged in another quarrel with the same security personnel , wherein he sustained injury in his fingers. In this case he went directly to Human Rights Commission and

lodged a complaint . Accordingly Dispur P.S Case No. 1367/2016 under Section 341/325/34 IPC was registered and is being investigated.

From the letter dated 28-6-2016 of Assam Human Rights Commission addressed to the petitioner Sri Borpujari and the written submission dated 16-9-2016 submitted by the SPIO and SP(S.B), Assam , it appears that the petitioner is involved in 3 (three) Police cases registered with Dispur Police Station as mentioned above and all the three police cases relates to his altercation and scuffle with police personnel on duty.

On the other hand, as already noted in this Commission's earlier orders dated 29-8-2016, the SP (S.B) deposed that lawful interception of telephones is done by Assam Police S.B, following the procedure as laid down by the Ministry of Home Affairs, Govt. of India and that the Special.Branch of Assam Police is exempted from the purview of RTI Act, 2005 under Section 24(4) of the RTI Act, 2005 , vide State Govt. Notification No. PLA.384/2005/54 dated 8-3-2006.

In view of the facts and circumstances as stated above, this Commission is of the view that the information sought for by the petitioner vide his RTI petition dated 8-3-2016 is exempted under Section 8(1)(a) as it involves the security interest of the State and also under Section 24(4) of the RTI Act. This Commission did not find any justification to invoke the proviso under Section 24(4) of the RTI Act, 2005 and direct the SPIO of the Special Branch , Assam Police, which is an organization exempted from the purview of Right to Information Act, 2005 vide State Government Notification No. PLA.384/2005/54 dated 8-3-2005 under Section 24 (4) of the Act, the petitioners second appeal petition dated 16-7-2016 read with his RTI petition dated 8-3-16 are, therefore, found to be without any merit , and hence it is dismissed.

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

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

**Authenticated true copy.  
Sd/-  
Registrar  
Assam Information Commission  
Memo No.SIC/KP(M) 453/2016/16-A**

**Dated.16-09-2016**

**Copy to:**

1. Ms Banya Gogoi, APS, Superintendent, (SOU), S.B (H.Q) , Guwahati., for information.
2. Sri Debasis Borpujari, Son of late Anil Ch. Pujari, National Games Village,B-5, Flat No. 304, Guwahati- 781 029 for information.
3. Computer Section for uploading in the Website.
4. Office File.
5. Order Book.

**Registrar  
Assam Information Commission**