

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

Case No. : SIC/KP(M).1054/2017
Appellant : Shri Hari Narayan Pathak
Respondent : The SPIO, O/o the Addl. Director General of Police, CID,
Ulubari, Guwahati- 7
Date of hearing : 08.03.2018
Second Appeal heard by : Shri Pinuel Basumatary,
State Information Commissioner, Assam

O R D E R
08.03.2018

The Appellant, Shri Hari Narayan Pathak is present.

The SPIO absent without information. However, the Special Superintendent of Police, CID, Assam submitted a Written Statement dated 23.02.2018.

Perused the case record and heard the Appellant. In his Second Appeal dated 30.10.2017 the Appellant had stated that the SPIO had refused to receive his Application for information dated 14.08.2017 and that he had to re-send it by another Speed Post dated 22.08.2017 addressing the same to the Head of the Public Authority, namely, Addl. Director General of Police, CID, Assam. He was aggrieved with the response received from the SSP, CID, Assam through a letter dated 04.09.2017 wherein the information on point number 1 was furnished and in respect of rest of the five points he was informed that the CID organization was exempted from the purview of the Right to Information Act, 2005 U/S 24 (4) as notified by Government of Assam. Alleging that the SPIO had ‘willfully’ denied the information on “flimsy plea of exemption”. He filed First Appeal dated 14.09.2017, and then the Second Appeal dated 30.10.2017 requesting to pass an order to make information available and for appropriate action under the Act against “the defaulting official(s)”.

Perused the Written Statement. The fact of furnishing of the aforementioned information through the letter dated 04.09.2017 has been mentioned claiming exemption under the Act as mentioned above.

Perusal of the case record indicates that the Appellant had submitted along with his Second Appeal a copy of Memo No. CID/Cell-XII/RTI/Vol-IV/2017/6290 dated 10.09.2017, the Appellant had been informed by the SSP, CID, Assam that in compliance with an order by the Hon’ble Gauhati High Court dated 01.09.2017, the police case cited by the Appellant had been transferred to the Central Bureau of Investigation (CBI) for investigation and according to procedure the original case diaries along with all other relevant documents had been handed over to the Registrar General, Gauhati High Court through Memo No. CID/Cell-IV/C.No.41/15/2929, dated 07.09.2017 for handing over the same to the CBI. The Appellant had been requested to communicate with CBI in this regard.

From the above, the Commission fails to understand as to why the SSP, CID, Assam has not mentioned in his Written Statement the fact of transfer of the case to the CBI which had happened way back in the month of September, 2017. Thus, the Written Statement does not contain all the relevant facts about the Appeal case and the Respondent Public Authority has not prepared the Written Statement with the seriousness and thoroughness that it deserves.

It is evident from the above that the information sought for will now be available with the CBI rather than the CID, Assam and as the CBI is a Central Government Organization, the Appellant will have to seek information from that Organization, if he so desires. Further, should the Appellant decide to seek information from the CPIO, from appropriate CBI authority, the Second Appellate Authority would be the Central Information Commission.

In view of the facts brought out above, the Second Appeal is hereby disposed of.

Sd/-

Pinuel Basumatary
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy

Sd/-

Joint Registrar
Assam Information Commission

Memo No. SIC/KP(M).1054/2017

Dtd.08.03.2018

Copy to:

1. The SPIO, O/o the Addl. Director General of Police, CID, Ulubari, Guwahati- 7 for information and necessary action.
2. The First Appellate Authority/ DIGP, office of the Addl. Director General of Police, CID, Ulubari, Guwahati- 7 for information.
3. The Appellant, Shri Hari Narayan Pathak, Padum Pukhuri, Uzan Bazar, Guwahati- 781 001, Assam for information.
4. Computer Section for uploading in the Website.
5. Office File.

Joint Registrar
Assam Information Commission

