



OFFICE OF THE

ASSAM INFORMATION COMMISSION

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Case No. KP(M). 173/2018
Complainant/ Appellant Sri Utpal Das
Respondent State Police Accountability Commission. Assam
Date of Hearing 10.07.2018
Complaint/ Second appeal heard by Shri H. S. Das, IAS (Retd)
State Chief Information Commissioner, Assam

O R D E R
10.07.2018

1. The petitioner Sri Utpal Das is present. The public authorities are represented by (i) Sri Hemanta Pegu, ACS, Deputy Secretary, Information and Public Relations Department, Govt. of Assam, (ii) Sri Harendra Kr. Dev Mahanta, Secretary, Assam State Police Accountability Commission, (SPAC), and (iii) Sri Bipul Goswami, Sr. Asstt. SPAC, Assam.

2. The Second appeal petition dated 27-3-2018 is taken up for hearing in presence of both the parties. The second appeal petition is with reference to an RTI petition dated 13-10-2017 – which was transferred by Chief Minister's Secretariat to Home Department and then from Home Department to State Police Accountability Commission, Assam (SPAC)

3. The Secretary of SPAC, Assam has submitted a written statement dated 4th July, 2018 which is entered into the case records.

4. The gist of the written submission is that while SPAC was in the process of taking necessary actions as per procedure on the complaint petition dated 22-5-2017 submitted before the Hon'ble Chief Minister, Assam, which was subsequently followed up by the petitioner's RTI petition dated 13-10-2017, the matter was referred to the concerned trial court by the Police with a charge sheet against the petitioner. Thus the matter having become sub-judice, the SPIO of SPAC expressed his inability to furnish any information on a sub-judice matter.

5. This Commission is of the view that for any information regarding a pending court case, the petitioner will have to follow the procedure as laid down under the relevant rules of the Gauhati High Court. However, with regard to the complaint petition and RTI petition mentioned above, the SPIO of SPAC is required to furnish the informations as

available in their office records. The petitioner insisted that he will be satisfied if he is furnished a copy of report, if any from Police Commissioner, Guwahati, which was sought for by SPAC.

6. In view of the above, the SPIO of SPAC is directed to furnish, on the basis of available office records, a copy of the report from the Police Commissioner, Guwahati along with any other reports and informations/ documents that were generated in course of acting upon the applicant's complaint petition dated 22-5-2017 and in processing SPAC Miscellaneous Case No. 59/2016, to the petitioner within 15 days from the date of receipt of this order.

7. In course of today's hearing, the petitioner placed before this Commission a copy of a letter dated 30th June, 2018, from the Secretary and SPIO of SPAC addressed to the petitioner. By paragraph 4 of this letter, the applicant was requested to inspect the relevant records relating to the names and case Nos. of the authorities who were punished. The petitioner is, therefore, directed to go for inspection of the relevant records as requested by the Secretary of SPAC..

8. Regarding point No. 2 of the RTI petition dated 13-10-2017 relating to set top box, the Under Secretary to the Govt. of Assam, Home 'A' Department has filed a written statement dated 10th July, 2018. This Commission observed that this is a matter totally unrelated to point No.-1. In this connection a written request has been received from the Home Department for fixing of another date as their SPIO is out of Headquarters on leave. Another written submission dated 2nd July, 2018 was received from the Deputy Secretary of Information and Public Relations Department stating that the matter is not related to them. The Registry of this Commission is, therefore, directed to register a separate case and put up for hearing of the matter separately.

9. Issue notices to SPIO, Home Department and the petitioner accordingly.

10. In view of the above order, point No. 1 of the RTI petition dated 13-10-2017 and the related portion of the second appeal petition dated 27-3-2018 is disposed of.

Sd/-

(H. S. Das)

**State Chief Information Commissioner,
Assam**

Authenticated true copy

Sd/-

**Registrar I/c
Assam Information Commission**

Copy to:-

- 1) Secretary and SPIO of State Police Accountability Commission, Ulubari, Guwahati-7 for information and necessary action as ordered above.
- 2) Sri Hemanta Pegu, Deputy Secretary, Govt. of Assam, Information and Public Relation, Last Gate, Dispur, Guwahati- 6 for information .
- 3) Under Secretary to the Govt. of Assam, Home 'A' Department, Dispur, Guwahati-6 for information and necessary action.
- 4) Registrar, Assam Information Commission, for information and necessary action as ordered above.
- 5) Sri Utpal Das, House No-41, Rong Pathar Bye Lane, Fatashil Ambari, Guwahati-25 for information and necessary action.
- 6) Computer Section for uploading in the Website
- 7) Office file.
- 8) Order Book.

**Registrar I/c
Assam Information Commission.**