

OFFICE OF THE
ASSAM INFORMATION COMMISSION

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Case No. :No.KP(M)878/2017
Complainant/ Appellant Sri Dulal Bora
Respondent :Home Department
Date of Hearing :13-09-2018
Complaint/ Second :Shri H. S. Das, IAS (Retd)
appeal heard by :State Chief Information Commissioner, Assam

O R D E R
13-09-2018

1. The petitioner Sri Dulal Bora as well as the public authority represented by Sri N.C .Basumatary, Joint Secretary and SPIO of Home and Political Department are present.
2. The second appeal petition dated 24-7-2017 is taken up for hearing with reference to RTI petition dated 9-8-2016 in presence of both the parties.
3. The SPIO of the office of Chief Secretary has submitted a written statement dated 18th August, 2018 stating that the petitioner's RTI petition dated 9-8-2016 as well as the first appeal petition dated 16-5-2017 were transferred to the Home and Political Department. Her written statement is entered into the case records.
4. The Joint Secretary and SPIO of Home and Political Department has also submitted a separate written statement detailing the sequence of actions taken on the RTI petition dated 9-8-2016 and the subsequent appeal petitions. His written statement is entered into the case records. It has been mentioned in the W/S that the RTI petition dated 9-8-2016 was received in the Department on 18-8-2016 and thereafter it was transferred to the DGP, Assam on 27th February, 2017. The SPIO of Home Department is, therefore, **directed to show cause why penalty under Section-20 of the RTI Act, 2005 shall not be imposed on him for his failure to transfer the petition to the concerned public authority within 5 (five) days as stipulated under Section 6(3) of the RTI Act, 2005.** The SPIO of DGP's office is also **directed to show cause why penal action shall not be taken against him for his failure to give appropriate response to the petitioner within the time stipulated under Section-7(1) of the RTI Act, 2005.**
5. From perusal of the RTI petition dated 9-8-2016 it is seen that the petitioner filed a complaint petition dated 11-9-2015 addressed to the Chief Secretary, Govt. of Assam, in connection with gruesome killing of a person on suspicion of being a cattle lifter under Dergaon P.S of Golaghat District. He followed up his complaint petition by an RTI petition dated 9-8-2016 seeking the following informations:-

- (a) *The number of the file from which inquiry was ordered into the allegations mentioned in his complaint petition dated 11-9-2015 and name of the Inquiry Officer with his designation;*
- (b) *names and addresses of the persons mentioned in the complaint petition dated 11-9-2015, and*
- (c) *photo copy of the inquiry report submitted by the Inquiry Officer to his higher authorities.*

Since the name of the accused persons are already mentioned in the complaint petition, furnishing of information against point No. 5(b) is not considered necessary.

6. As already mentioned, the SPIO of the office of DGP is yet to furnish the sought for information to the petitioner. He is, therefore, further directed to furnish the sought for informations, or an appropriate response to the petitioner in respect of point No. 5 (a) and 5(c) within 15 (fifteen) days from the date of receipt of this order.
7. Fix 9th November, 2018 at 1.00 P.M for review of action taken by the SPIOs of Home and Political Department and the office of the DGP, Assam

Sd/-

(H. S. Das)
Chief Information Commissioner, Assam,
Panjabari, Guwahati

Authenticated true copy.

Sd/-
Registrar I/c
Assam Information Commission.

Memo No. SIC/ KP(M). 878/2017/

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Dated 13-09-2018

Copy to :-

1. Sri N.C.Basumatary, Joint Secretary and SPIO, Home and Political Department, Dispur, Guwahati-6 for information and necessary action as ordered above.
2. SPIO of the office of Director General of Police, Assam, Ulubari, Guwahati-7 for information and necessary action, as ordered above.
3. Sri Dulal Bora, Koinadhara Tiniali, House No.-118, Khanapara, Guwahati-22 for information.
4. Computer Section for uploading in the Website.
5. Office file.
6. Order Book.

Registrar I/c
Assam Information Commission