



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

Case No. : KP(M).370/2019
Complainant/ appellant : Shri Himadri Dhar
Respondent : SPIO of the Commissioner of Police, Guwahati City
Date of hearing : 16.5.2019
Complaint/ Second : Shri H.S. Das, IAS (Retd)
Appeal heard by : Chief Information Commissioner, Assam

O R D E R
16.5.2019

1. The appellant Shri Himadri Dhar is present. The SPIO of the concerned public authority, i.e. the police Commissionerate, Guwahati City, is absent. The SPIO and Deputy Commissioner of Police (A) has, however, sent a written statement dated 13.5.2019 through ASI Sujit Kr. Deb. The WS is entered into the case records. The second appeal petition dated 26.10.2018 read with the RTI petition dated 6.6.2018 is taken up for hearing in presence of the appellant and Shri Sujit Kr. Deb, ASI of police.
2. In this connection, this Commission would like to reiterate its order dated 07.5.2019 in another second appeal case No.KP(M).978/2018. regarding the level of attendance in this Commission. Quote **“This Commission noted that the public authority of the office of the DGP, Assam has often been represented by a junior level officer, Sri Paresh Bora, Assistant Sub-Inspector. This Commission is of the firm view that representation of the office of the DGP before this Commission should not be at a level lower than that of the SPIO and ASPIO. Junior officers are welcome to assist their seniors at the time of hearing. However, they cannot be allowed to independently represent the office of the DGP at the time of hearing before this Commission. The DGP, Assam is directed to issue appropriate instructions accordingly”** unquote. The Commissioner of Police, Guwahati City is also directed to take note of this order and issue appropriate instructions accordingly.
3. From perusal of the case records it is seen that the petitioner filed an RTI petition dated 6.6.2018 seeking six sets of information regarding a police case in respect of a sale deed, which is allegedly forged. It is also seen that vide letter dated 21.7.2018 the concerned SPIO had furnished an extract copy of GDE No. 100/16 dated 3.8.2016 in response to point no. 1 of the RTI petition. The petitioner acknowledged receipt of the same, but he pointed out that the extract copy of GDE has shown as signed on 3.8.2015 by one S. Islam, OC Inspector of Bharalumukh Police Station. **The SPIO of the Commissionerate of Police, Guwahati is therefore directed to furnish correct copy of the relevant GDE, duly certified to the petitioner within 15 days from the date of receipt of this order.**
4. It has been mentioned in the WS dated 13.5.2019 submitted by the DCP(A) and SPIO that the first appellate authority cum Joint Commissioner of Police, Guwahati

passed order dated 12.9.2018 observing that informations furnished by the SPIO was incomplete and therefore, directed the SPIO to furnish the informations point-wise as sought for by the appellant within 7 days from the date of receipt of FAA's order.

5. The appellant submitted orally that he has not yet received the point-wise informations as directed by the FAA. He further mentioned that in response to another RTI petition, he was informed vide letter dated 3.6.2017 by the concerned ASPIO, enclosing Paltanbazar Police Station letter dated 1.6.2017 that the sale deed no. 1629 dated 13.2.2015 was seized by the I.O. of Paltanbazar PS case no.173/2016 for the purpose of investigation. However, the same ASPIO informed the petitioner by another letter dated 20.12.2017, enclosing Paltanbazar Police Station letter dated 15.12.2017, that:- " as reported by Shri Samul Mashi at Bharalumukh Police Station that sale deed no. 1629/2015 has been lost from his brother Shri Sujit Choudhury house. This has reference to Bharalukukh PS GDE no. 100 dated 3.8.2016". This Commission also notes that the above two informations are at variance with each other, and therefore, **the SPIO of Commissioner of Police, Guwahati is directed to clarify the above discrepancy in regard to sale deed no. 1629/2016 and inform the correct position to the petitioner within 15 days from the date of receipt of this order together with point-wise informations, as directed by the first appellate authority in his order dated 12.9.2018 referred to above.**

Fix 12.30 PM on 07.6.2019 for review of compliance.

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).370/2019/

Dated. 16.5.2019

Copy to: 1. The SPIO of the Commissionerate of Police, Guwahati, Kamrup (M) district, Guwahati-1 for information and necessary action.
2. The First Appellate Authority of the Commissionerate of Police, Guwahati, Kamrup (M) district, Guwahati-1 for information.
3.. Shri Himadri Dhar, House No. 2, Bye Lane No. 1, Birubari Udaypur, Guwahati-16, Dist. Kamrup, Assam for information.
4. Computer Section for uploading in the Website.
5. Office File.
6. Order Book

Registrar i/c
Assam Information Commission