



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

Case No. : KP(M).478/2019
Complainant/ appellant : Shri Utpal Das
Respondent : SPIO of the office of the Director of Information & Public
Relations, Govt. of Assam.
Date of hearing : 9.7.2019
Complaint/ Second : Shri H.S. Das, IAS (Retd)
Appeal heard by : Chief Information Commissioner, Assam

O R D E R
9.7.2019

1. The appellant Shri Utpal Das is present. The public authority, i.e. the Directorate of information and Public relations (DIPR) is also present as represented by :- (i) Shri P.K. Dutta, SPIO and Chief Information Officer of the office of the DIPR, (ii) Shri Pradeep Brahma, Addl.DIPR, (iii) Shri D.K. Basumatary, Joint DIPR and (iv) Shri Jyotirmoy Chakravorty, Jt. DIPR. The second appeal petition dated 16.2.2018 read with the RTI petition dated 5.10.2018 is taken up for hearing in presence of both the parties.
2. The SPIO of the DIPR, Assam has sent a written statement dated 9.7.2019, which is entered into the case records. It has been stated in the WS that informations against point nos. 2,3,5,6,7 and 8 of the RTI petition have already been furnished to the petitioner. The petitioner also acknowledged receipt of the informations against point nos. 2,3,5 and 7 to his satisfaction.
3. Against point no. 6 he stated that he is not satisfied with the information furnished. The SPIO of DIPR mentioned that the question in the RTI application itself was not very clear. After hearing both the parties it appears that furnishing of the advertising policy of the State Government, both print and electronic media, should meet the requirement of point no. 6. The SPIO of DIPR is, therefore, directed to furnish the information to the petitioner within 15 days from the date of this order, which was pronounced in presence of both the parties.
4. As regards point no. 8 also the petitioner said he was not satisfied with the informations furnished. The SPIO of DIPR mentioned that all documents relating to point no. 8 have been seized by Chief Ministers Special Vigilance Cell and is, therefore, not available with DIPR. This Commission is of the view that containing corruption is one of the declared objectives of the RTI Act, 2005 as clearly mentioned in the preamble to the Act. Further, the Vigilance and Anti-corruption wing of the State Govt. cannot be deemed to be a security or intelligence organization u/s 24 of the RTI Act, 2005. Moreover, even in respect of security and intelligence organisation, it has been provided u/s 24 of the Act that informations pertaining to the allegations of corruption and human rights violation shall not be excluded under that section. The only provision under the RTI Act that may provide exemption from disclosure of the sought for

information is section 8(1)(h) which says that:- “information which would impede process of investigation or apprehension or prosecution of offenders”- shall be exempted from disclosure of information. The SPIO of DIPR is, therefore, directed to transfer point no. 8 of the RTI application to the Chief Minister’s Special Vigilance Cell for taking appropriate decision u/s 7 (1) of the RTI Act, 2005 and inform the petitioner accordingly. If the CM’s Special Vigilance Cell decides not to disclose the information, then the appellant shall be informed accordingly, specifying the reasons therefor, within 15 days from the date of receipt of the transferred part of the RTI petition.

5. As regards point nos. 1 and 4 of the RTI petition, the SPIO of DIPR submitted that the sought for information covers a period of 10 years and will be voluminous in nature. The appellant agreed with the observation and expressed his willingness to exercise his right to information by inspection of relevant documents as provided u/s 2(j)(i) of the RTI Act, 2005. The SPIO of DIPR is, therefore, directed to allow the petitioner to inspect the relevant records in respect of point nos. 1 and 4 of the RTI petition during office hours on any working day within 15 days from the date of this order, which was pronounced in presence of both the parties and allow him to take notes and photocopies of required documents free of cost up to 50 pages and thereafter on payment of Rs. 2.00 for every additional page of photocopy.

With the above, the second appeal petition dated 16.2.2019 is disposed of.

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).478/2019/

Dated. 9.7.2019

Copy to: 1. The SPIO of the office of the Director of Information and Public Relations, Govt. of Assam, Dispur, Guwahati-6 for information and necessary action.
2. The Superintendent of Police, Chief Minister’s Special Vigilance Cell, Govt. of Assam, Dispur, Guwahati-6 for information.
3. Shri Utpal Das, House No. 41, Rang Pathar Path Bye Lane, Fatashil Ambari, Guwahati 25 for information
4. Computer Section for uploading in the Website.
5. Office File.
6. Order Book

Registrar i/c
Assam Information Commission