



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

Case No. KP(M)414/ 2019
Complainant/ Appellant Sri Utpal Das
Respondent : SPIO of the office of the DGP, Assam.
Date of hearing 23.07.2019
Complaint/ Second : Shri H. S. Das, IAS (Retd)
Appeal heard by Chief Information Commissioner, Assam

O R D E R

23.07.2019

1. The petitioner Sri Utpal Das is present. The public authority to be represented by the SPIO of the office of the Director General of Police, Assam is absent. However, the DIGP (L&O) has sent a written statement dated 23.7.2019 wherein it has been mentioned that the subject matter of the petitioner's RTI petition dated 5.9.2018 relating to procurement of Bullet Proof Jackets for Assam Police is sub judice in the Hon'ble Gauhati High Court vide PIL No.65/ 2018. Therefore, the information could not be furnished to the petitioner under Section 8(1)(b) of the RTI Act, 2005. The DIGP furnished the same information to the petitioner Sri Utpal Das vide letter dated 27.3.2019, copy of which has been enclosed with the WS dated 23.7.2019.
2. This Commission is of the view that – a matter being sub judice, by itself, is not sufficient ground for denial of information by taking shelter under Section 8(1) (b) of the RTI Act, 2005. Section 8(1)(b) provides exemption from disclosure in case of *information which has been expressly forbidden to be published by any court of law or tribunal, or the disclosure of which may constitute contempt of court.* In the instant second appeal case, there is no mention in DIGP (L&O)'s letter dated 23.7.2019 addressed to this Commission and letter dated 27.3.2019 addressed to the petitioner, as mentioned above, that Hon'ble Gauhati High Court has expressly forbidden disclosure of the sought for information or that the disclosure of the same will constitute contempt of court. This Commission is, therefore, of the view that exemption U/S 8(1)(b) is not applicable in the instant 2nd appeal case.
3. In view of the above, the SPIO of the office of the DGP, Assam is directed to furnish the sought for information to the petitioner within 15 days from the date of receipt of this order unless the disclosure of the same has been expressly forbidden by Hon'ble Gauhati High Court, or, if such disclosure will amount to contempt of court. In case of the latter, the appellant shall be furnished with reasonable grounds therefor.
4. With the above order the second appeal petition dated 27.11.2018 is disposed of.

Sd/-

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

Authenticated true copy.



Registrar i/c
Assam Information Commission

Memo No. SIC/ KP(M) 414/2019

Dated 23.07.2019

- Copy to:
1. The SPIO of the office of the Director General of Police, Assam, Ulubari, Guwahati 7 for information and necessary action.
 2. Sri Utpal Das, House No.41, Rang Pathar Bye Lane, Fatasil Ambari, Ghy.25.
 3. Computer Section for uploading in the Website.
 4. Office File.
 5. Order Book.



Registrar i/c
Assam Information Commission