



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

Case No. : KP(M).443/2019
Complainant/ appellant : Shri Joydeb Das
Respondent : SPIO of the office of the Assam Police Headquarters
Date of hearing : 2.9.2019
Complaint/ Second : Shri H.S. Das, IAS (Retd)
Appeal heard by : Chief Information Commissioner, Assam

O R D E R
2.9.2019

The appellant Shri Joydeb Das is present. The public authority, i.e. the office of the Assam Police Headquarters is represented by Shri Bidyut Das Boro, APS, Addl. Superintendent of Police (Law) accompanied by ASI Shri Paresh Borah. The second appeal petition dated 9.1.2019 is taken up for further consideration in pursuance of this Commission's earlier order dated 2.8.2019.

The AIGP (A) and PIO submitted a copy of letter dated 29.8.2019 addressed to the appellant Shri Joydeb Das informing him that the copy of the inquiry report sought for by him could not be provided u/s 8 (1) (h) of the RTI Act, 2005. The Addl. SP (Law) submitted orally that the inquiry into the death of SI Bhaskar Kalita during operation on May 4, 2018 at Bordumsa was conducted by the Addl. Chief Secretary, Home & Political Department, Kumar Sanjay Krishna, IAS. The inquiry inter alia, was also into the effectiveness of the bullet-proof jacket which SI Late Bhaskar Kalita was wearing at the time of the operation. The SPIO of Assam Police Headquarters submitted orally that the inquiry was not done by the Assam Police Headquarters, and the inquiry report is not available with the Assam Police Headquarters. However, the Secretary, Govt. of Assam, Home and Political Department vide letter dated 28th February, 2019 apprised the DGP, Assam of the action taken report on the conclusion and recommendations of the One Man Inquiry Committee, mentioned above. The SPIO placed a copy of the action taken report to the Commission for perusal. Apart from its findings on the effectiveness of the bullet-proof jacket worn by SI Bhaskar Kalita, there are other sensitive findings, conclusions and recommendations, which have implications and ramifications for anti-terrorism and counter insurgency operations as well as security of the State. This Commission is, therefore, of the view that except the finding regarding the effectiveness of the bullet-proof jacket, other findings and recommendations of the Inquiry Committee need not be furnished to the petitioner as they are exempted u/s 8 (1) (a) of the RTI Act, 2005. The SPIO is, therefore, directed to inform the petitioner about the conclusion of the One Man Inquiry Committee on the effectiveness of the bullet-proof jacket as communicated by the Secretary, Govt. of Assam, Home and Political Department. The appellant also said that he will be satisfied with this information.

With the above order, the second appeal petition dated 9.1.2019 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).443/2019/

Dated. 2.9.2019

Copy to: 1. The SPIO of the office of the Director General of Police, Assam Police
Headquarters, Ulubari, Guwahati-7 for information and necessary action.
2. Shri Joydeb Das, House No. 16, Kushal Konwar Path, Near Mayur Krishna
Cinema Hall, Ambari Fatashil, Guwahati-25 for information.
3. Computer Section for uploading in the Website.
4. Office File.
5. Order Book


Registrar i/c
Assam Information Commission