



**OFFICE OF THE
ASSAM INFORMATION COMMISSION
JONAKKEE COMPLEX, PANJABARI, GUWAHATI-781037**

Case No : KP(M).822/2019
Complainant/ Appellant : Sri Utpal Das.
Respondent : SPIO of the Office of the Directorate General of Police,
Border, Assam.
Date of hearing : 6.9.2019
Complaint/ Second : Shri H.S. Das. IAS (Retd)
Appeal heard by : Chief Information Commissioner, Assam

O R D E R

6.9.2019

1. The appellant/ petitioner Sri Utpal Das is present. The public authority is represented by Narayan Ch. Deka, Supervisory Assistant of Assam Police Border Organisation. The SPIO is absent without praying for leave of absence.
2. The Superintendent of Police and SPIO of Assam Police Border Organisation sent a written statement dated 6.9.2019 through the Supervisory Assistant of his office. The written statement is entered into the case records. It has been mentioned in the written statement that vide letter dated 29.4.2019 the petitioner was informed that the informations sought for vide serial Nos. 3,4 and 5 of the RTI petition dated 9.10.2018 could not be furnished because Assam Police Border Organization has been exempted from the purview of the RTI Act, 2005 vide Government notification No. PLA.384/2005/54 dated 8.3.2006 under section 24(4) of the Act.
3. This Commission is of the view that the informations sought for by the information seeker are also held by and/ or under the control of Political (B) Department. It has been provided under section 8(1) of the RTI Act, 2005 that informations which cannot be denied to the parliament or State Legislature shall not be denied to any person under the RTI Act. The SPIO of Political Department is, therefore, directed to furnish the available sought for informations, which cannot be denied to the State Legislature, within 30 days from the date of this order.
4. It transpired in course of today's hearing that the Superintendent of Police of Assam Police Border Organisation himself is functioning as the SPIO, and that no Assistant SPIO has been appointed in the organization so far. The Assam Police Border Organisation is directed under section 19(8)(a)(ii) of the RTI Act, 2005 to appoint SPIO and Assistant SPIO at appropriate levels.
5. With the above order, the second appeal petition dated 31.5.2019 is disposed of.

Sd/-

(H. S. Das)

Chief Information Commissioners, Assam
Panjabari, Guwahati

Authenticated true copy.

Registrar i/c
Assam Information Commission

Memo No. SIC/ KP(M)822/2019

Dated. 6.9.2019

Copy to:

1. The SPIO of the office of the Directorate General of Police, Border, Assam, Srimantapur, Guwahati-32, Assam for information and necessary action.
2. The SPIO of the office of the Political(B) Department, Dispur, Guwahati-06 for information and necessary action.
3. The Petitioner, Sri Utpal Das, House No-41, Rang pathar 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