

Case No. : SIC/DBR.23/2020
Complainant/ Appellant : Sri Vijay Pandey
Respondent : SPIO of the Office of Superintendent of Police,
Dibrugarh, P.O & Dist. – Dibrugarh,786001
Date of Hearing : 07-04-2021
Complaint/ Second : Dr. A.P.Rout,
Appeal heard by State Chief Information Commissioner, Assam

O R D E R
07/04/2021

1. The petitioner Sri Vijay Pandey is absent. But he has sent an email dated 6.4.2021 informing about his inability to attend the hearing due to illness and has requested to re fix the date of hearing, but he has failed to send any medical report on his illness.
2. The Public Authority to be represented by SPIO of the Office of Superintendent of Police, Dibrugarh is also absent. The PIO has submitted a written statement dated 6/4/2021 which is taken into records.
3. The petitioner Sri Vijay Pandey has sent an email dated 17/5/2020 addressed to (i)The Chief Minister of Assam (ii) The Director General of Police, Assam Police HQ, Guwahati (iii) The Inspector General of Police, Directorate of Anti Corruption & Vigilance, Guwahati and (iv) The Superintendent of Police, Dibrugarh with request to transfer the Dibrugarh PS Case No.571/2020 to SIT or CBI for fair and independent investigation.
4. Following this, he submitted RTI petition before the SPIO of the Office of Superintendent of Police, Dibrugarh vide his letter dated 17/6/2020 seeking following information:-
 - (i) Daily date wise progress made on my Email dated Sunday, May 17,2020 at 4:57 PM till date of your reply to this application
 - (ii) Names, Designations and office addresses of the officials with whom my application was lying during this period and date wise period with each Official and action taken by him/her.
 - (iii) Please give evidence of receipt and dispatch of my complaint in the offices of each of these officials.
 - (iv) Please provide the certified copy of the notings made on my said complaint till date.
 - (v) Please inform me, according to your rules and citizens charter or any other order, no. of days in which such a matter should have been dealt with and resolved. Please also provide a copy of these rules.
 - (vi) As the officials have not adhered to the time limit mentioned in rules and are guilty of violating these rules please give a copy of their conduct rules and details of action taken by the Superintendent of Police, Dibrugarh against erring officials.
 - (vii) In case no action has been initiated for dereliction of duties against Erring officials, the reasons to be made known to me.
 - (viii) Please provide the certified copy of the action taken report on my mentioned email.
 - (ix) Please provide the name, address, mobile/phone no. with the email address of the appellant authority to this application.
5. In pursuance to that the SPIO, O/o the Superintendent of Police, Dibrugarh has submitted a reply vide letter dated 14/07/2020 stating that most of his RTI petition points falls u/s 8(h) of the RTI Act,2005.

6. Being not satisfied with the reply of the SPIO, the appellant filed 1st Appeal before the 1st Appellate Authority cum Superintendent of Police, Dibrugarh District on 23/7/2020.
7. On not getting any information, the petitioner filed a complaint petition u/s 19(3) of RTI Act on 16/11/2020 before the Commission.

As per the provision of the Section 19(3) of the RTI Act, 2005, 2nd appeal petitions are to be filed before the Commission.

Though the petitioner has noted it to be a complaint petition, the Commission treats it as a second appeal petition as per the provision of the Act.

8. The SPIO of the Office of Superintendent of Police, Dibrugarh has submitted a written statement dated 6/4/2021 elaborating the case registered against the appellant and also the various stages of investigation including recording of statement of witness u/s 164 CrPC on 27/04/2020.
9. He further mentioned that the case has been charge sheeted vide Dibrugarh P.S C.S No.244/20 dated 30/05/2020. After following due procedure and obtaining the expert reports. He further states that since the investigation was fair and legal as per law, the prayer of transfer of the case to SIT or CBI was not entertained.
10. However, on perusal of the RTI petition and the written statement, the Commission is of the view that plea taken by the SPIO as well as 1st Appellate Authority on the RTI petition that the information is exempted u/s 8(1)(h) of the RTI Act 2005 is not tenable as the petitioner has asked various questions under RTI Act on the application he has submitted for transfer of the case to CBI or SIT.
11. Hence, **the Commission directs the SPIO to furnish the reply on the RTI petition within 15 days from the date of receipt of this order.**

In light of the above, the complaint petition dated 16/11/2020 is disposed off.

(Dr. A.P. Rout)

Authenticated true copy.

Joint Registrar i/c
Assam Information Commission

Memo No. SIC/DBR.23/2020

Dtd. 07.04.2021

Copy to:

1. The SPIO of the Office of Superintendent of Police, Dibrugarh Assam – 786001 for information and necessary action.
2. Sri Vijay Pandey, Chapori Path, Chiring Chapori, P.O & Dist. – Dibrugarh, 786001, Assam for information.
3. Computer Section for uploading in the Website.
4. Office File.
5. Order Book.

Joint Registrar i/c
Assam Information Commission

