

OFFICE OF THE
ASSAM INFORMATION COMMISSION

JONAKEE COMPLEX, SHILPGRAM ROAD, PANJABARI, GUWAHATI- 781037

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Case No. : SIC/KP(M).377/2021
Complainant/ Appellant : Sri Joydeb Das
Respondent : SPIO, Office of the Commandant, 4th Assam
Police Battalion, Kahilipara, Guwahati
Date of Hearing : 10/12/2021
Complaint/ Second : Dr. A.P.Rout,
Appeal heard by State Chief Information Commissioner, Assam

O R D E R
10/12/2021

1. The petitioner Sri Joydeb Das is present. The petitioner has filed his RTI application before the PIO, O/o the Commandant, 4th Assam Police Battalion, Kahilipara, Guwahati on 1.9.2021 seeking information regarding construction of cattle shed in the premises of 4th APBN.
2. In response to petitioner's RTI application, the 2nd-In-Command of 4th A.P.Bn.Kahilipara has sent a letter vide no. Bn4/R/RTI/2021/3855 dated 14.9.2021 wherein it is mentioned that the Assam Police Battalion is exempted from the purview of Right to Information Act,2005 as per Section 24(4) of the Act vide Govt. of Assam notification No.PLA.384/2005/54 dated 8th March 2006.
3. Being not satisfied with the information, the petitioner filed 1st appeal before the 1st Appellate Authority of the Office of the Commandant, 4th Assam Police Battalion on 5.10.2021. Then he filed 2nd appeal before the Commission on 15.11.2021 and accordingly the matter was taken up for hearing.
4. The Public Authority is represented by Smti Sumita Shormah, APS, 21/C 4th APBN, Kahilipara and she is accompanied by Sri Jayanta Kumar Roy, R.I., 4th APBN, Kahilipara.
5. The petitioner alleged that though the plea given for exemption by Government is of security and intelligence consideration, keeping cows can never be exempted on security and intelligence purpose. Further the cases relate to corruption and human rights violation are not exempted. In this particular case, in the construction of cattle shed, misuse of manpower an element of corruption was there and that he strongly believed that since corruption angle is there and the information could not be withheld u/s 24(4) of the RTI Act.
6. The SPIO said that from Battalion side no cattle shed is constructed and information sought to be treated as nil. To this reply the petitioner says that he has some information on that query.
7. The SPIO also said that if somebody has cattle shed in his allotted quarters inside the battalion, the SPIO is not aware of it.
8. The Commission without going into the legality and acceptability of the exemption to give information under section 24(4) and section 8(1)(g) of the RTI Act, 2005 and furnishing the nil report by the 1st Appellate Authority, accepts it and disposes the case.
9. The complaint petition dated 15.11.2021 is disposed off.

Sd/-
(Dr. A.P. Rout)

Authenticated true copy.

Sd/-
Secretary & Registrar
Assam Information Commission

Memo No. SIC/KP(M).377/2021

Dtd. 10.12.2021

Copy to:

1. The SPIO, Office of the Commandant 4th Assam Police Battalion, Kahilipara, Guwahati 19 for information and necessary action.
2. The petitioner Sri Joydeb Das, S/o Late Karunamoy Das, House No.16, Ambari Fatahil, Kushal Konwar Road, Near Mayur Krishna Cinema Hall, Guwahati 25 Assam for information.
3. Computer Section for uploading in the Website.
4. Office File.
5. Order Book.

Secretary & Registrar
Assam Information Commission