

- 1. Name of the State Commission:** Assam Information Commission
- 2. Order No & date:** KP(M)1066/2018 dated 06-02-2019 by Shri H.S. Das,IAS(Rtd.), State Chief Information Commissioner.
- 3. Subject /Section/Issue:** Permission to telecast interview or other telephonic talk with extremists, total numbers of media persons- print and electronic- against whom cases were registered in various Police stations and strength of Assam Police Force including the Dog & Horse squads.
- 4. Operative Section:** Section 19(3) read with section 2(f) of the RTI Act, 2005.

Summary:

The second appeal was filed by the appellant for non- receipt of the following information:

- I. Whether any permission to telecast interview or other telephonic talk with extremists is required from Home or Political department, Assam;
- II. Total numbers of media persons-print and electronic- against whom cases were registered in various Police stations during last 15 years with names of such media persons and the names of media houses to which they belong/belonged; and
- III. Strength of Assam Police Force including Dog & Horse squads.

The Commission directed the SPIOs of Home and Political Departments to give a "yes" or "no" reply against point no.I.

Regarding point no.II, the Commission is of the view that this may require collection of informations from all the District Superintendent of Police or all the Police Stations of Assam and their compilation by the Director General of Police or Home department. Such collection/compilation of informations does not appear to fall within the meaning of information as defined u/s 2(f) of the RTI Act, 2005. The SPIO of Home department is,

therefore, directed to furnish the sought for information to the petitioner within 15 days from the date of receipt of the order, if it is already compiled and readily available with Home department or DGP, Assam. If not, then the SPIO of Home department is directed to give a suitable reply to the appellant advising him as to from where, i.e. from the District Superintendents of Police or the OCs of the Police Stations, that he can obtain the sought for informations.

As regards point no. III, the SPIO of Home department was directed to provide the same to the appellant within 15(fifteen) days from the date of receipt of the order.



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

Case No. : KP(M).1066/2018
Complainant/ appellant : Shri Utpal Das
Respondent : SPIOs of Home and Political Departments
Date of hearing : 06.02.2019
Complaint/ Second : Shri H.S. Das, IAS (Retd)
Appeal heard by : Chief Information Commissioner, Assam

O R D E R
06.02.2019

1. The public authorities, i.e. the Political Department was represented by their Joint Secretary and SPIO, Shri Biman Dutta. The Home Department was represented by the SPIO Shri Ramesh Medhi. The appellant Shri Utpal Das came to the Commission but left without attending the hearing. He submitted a written statement dated 6.2.2019 stating that due to sudden illness of his daughter he could not attend hearing today and requested to pass an order in his absence. In his WS he has mentioned that out of the four sets of information sought for by him, he received informations in respect of point no. 1 only. He mentioned in his second appeal petition dated 7.6.2018 also that informations in respect of point no. 2, 3 and 4 were not furnished to him. The SPIO and the Joint Secretary of Political Department submitted a written statement dated 4th February, 2019 stating that the RTI petition dated 20.1.2018 along with copy of complaint petition dated 5.5.2017 addressed to the Hon'ble Chief Minister of Assam by Shri Utpal Das was transferred to the Superintendent of Police, Vigilance and Anti-Corruption, Assam vide letter dated 2.4.2018. The SPIO of Political Department has enclosed with his WS a copy of letter dated 23.4.2018 from SP, Vigilance and Anti-Corruption, Assam to the petitioner Shri Utpal Das containing their responses to the RTI petition. Point no. 1 was adequately responded to. **However, their responses/replies given against point nos. 2, 3 and 4 appear to be non-responsive and they also appear to be not related to Vigilance and Anti-Corruption.** The SPIO of Home (A) Department has submitted a written statement which refers to an RTI petition dated 15.11.2017 of the same petitioner Shri Utpal Das. His WS was, therefore, not found relevant to the instant second appeal petition dated 7.6.2018, which arose from the RTI petition dated 20.1.2018 of Shri Utpal Das.

2. By point no. 2 of the RTI application, the petitioner wanted to know whether any permission of Home or Political Department is required by the Television Channels to telecast interview or other telephonic talk. By his WS dated 6.2.2019, the petitioner submitted that he means interview or telephonic talk with "extremists". The SPIOs of Home and Political Departments are directed to give a 'yes' or 'no' reply to the petitioner on this point.

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3. As regards point no. 3, i.e. the present strength of the Assam Police Force including Horse and Dog Squads, the SPIO of Home Department is directed to furnish the total – (a) manpower strength, (b) Horse Squad strength and (c) Dog Squad strength to the petitioner.

4. Coming to point no. 4, the petitioner wanted the total number of media persons, print and electronic, against whom cases were registered in various Police Stations of Assam during the last 15 years along with names of such media persons and the names of the media houses to which they belong/belonged.

This Commission is of the view that this is an information that may require collection of informations from all the District Superintendents of Police or all the Police Stations of Assam and their compilation by the Director General of Police or Home Department. Such collection/compilation of informations does not appear to fall within the meaning of “information” as defined u/s 2(f) of the RTI Act, 2005. The SPIO of Home Department is, therefore, directed to furnish the sought for informations to the petitioner, if it is already compiled and readily available with the Home Department or DGP, Assam. If not, then the SPIO of Home Department is directed to give a suitable reply to the petitioner advising him as to from where, i.e. from the District Superintendents of Police of various districts or the OCs of Police the Stations, that he can obtain the sought for informations.

5. The informations be furnished to the petitioner, as directed above within 15 days from the date of receipt of this order.

6. With the above order the second appeal petition dated 7.6.2018 is disposed of

Sd/-

(H. S. Das)

Chief Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Sd/-

Registrar i/c

Assam Information Commission

Memo No. SIC/ KP(M).1066/2018/26

Dated. 06.02.2019

- Copy to:
1. The SPIO of Political Department, Govt. of Assam, Dispur, Guwahati-6 for information.
 2. The SPIO of Home Department, Govt. of Assam, Dispur, Guwahati-6 for information and necessary action.
 3. Shri 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

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Registrar i/c

Assam Information Commission