

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

Case No. : **KP(M).8/2015**

Complainant/ appellant : **Sri Soumitra Sengupta**

Respondent : **SPIO & Joint Secretary,
Revenue & Disaster Management Department**

Date of hearing : **1-9-2015**

Complaint/ Second
appeal heard by : **Shri H.S. Das, IAS (Retd)
Chief Information Commissioner, Assam**

O R D E R

The appellant Sri Soumitra Sengupta is present. The Public Authority is represented by Sri S. K. Das, Joint Secretary and SPIO, Revenue and Disaster Management Department. The second appeal petition is taken up for hearing in presence of both the parties.

The Joint Secretary and SPIO, Revenue and Disaster Management Department submitted a copy of recorded decision under RTI dated 24th August, 2015 of the Revenue & Disaster Management Authority, Govt. of Assam with reference to the RTI application dated 10-8-2012 of Sri Soumitra Sengupta. These submissions of the Joint Secretary and SPIO of Revenue and Disaster Management Department will be considered separately in the separate appeal case No. KP(M) 58/2013.

The Principal and SPIO of Assam Engineering College, Guwahati has submitted a written statement dated 27-8-2015, expressing his inability to attend the hearing today due to other heavy work-load. His written submission is entered into the case records and the second appeal petition is taken up for hearing ex-parte of Principal & SPIO , Assam Engineering College.

The appellant submitted that he is interested to receive information in response to Point No. 1,2, 3 & 4 of his original RTI application dated 16th October, 2012 and no longer interested in the remaining 15 points.

From a perusal of the first 4 points of the RTI application, it is seen that they relate to (i) correspondence between the Revenue and Disaster Management Department and the office of the Principal, Assam Engineering College (point No. 1 and 4) (ii) dates on which interviews or re-interviews were held for selection of technical support persons by officials representing Assam Engineering College, Govt. of Assam and any other officials (Point No-2), (iii) and names of the Technical Support Persons who were deputed to the offices of the Sub-Registrars in Assam for the project- ***“State-wide roll out of Computerization of Land Registrations in Assam”*** after their selection through interviews / re-interviews as mentioned above.

The Commission has gone through the written submission dated 27-8-2015 submitted by the SPIO and Principal , Assam Engineering College, Guwahati. The Assam Engineering College Principal and SPIO contends that furnishing of the information to the RTI applicant will amount to giving away third party information relating to IL&FS Technologies Ltd, who entered into a fiduciary relationship with Revenue and Disaster Management Department, Govt. of Assam and Assam Engineering College in implementing the ***“State wide roll-out of Computerization of land registrations in Assam”*** Project.

After careful consideration of the submission of the Principal and SPIO of Assam Engineering College with reference to the relevant provisions of the RTI Act relating to third party information as well as the contents of the letter dated 10th June, 2015 from IL&FS Ltd., the Commission is of the view that the first 4 points of the RTI application dated 16-10-2012 submitted by Sri Soumitra Sengupta do not come within the purview of Section (11) relating to third party information. As already mentioned, the information sought for by the applicant under the first 4 points relate to correspondence between two organs of the State Govt. , namely the Revenue and Disaster Management Department and the Assam Engineering College and names of Technical Support persons selected and deputed for a public purpose along with the dates of their interviews and names of the interviewers. However, the Commission is of the view that disclosure of the names and other particulars of the interviewers, whether from Govt. of Assam or from Assam Engineering College or from any other Organization is not warranted as it involves a fiduciary relationship and therefore, come under Section 8(1)(e) of the RTI Act, 2005.

The Commission, therefore, directs the Principal and the SPIO of Assam Engineering College , Guwahati to furnish the information, except the names and particulars of the interviewers, to the applicant Sri Soumitra Sengupta in respect of point Nos. 1, 2, 3 & 4 only of his RTI application dated 16th October, 2012, within 15 days from the date of receipt of this order with intimation to the Commission.

As for the remaining 15 points, since the applicant himself stated that he is no longer interested in them, they are dropped from the ambit of the second appeal petition.

With the above order the second appeal petition is disposed of.

Sd/-
(H. S. Das)
Assam State Chief Information Commissioner,
Panjabari, Guwahati-37

Authenticated true copy.

Sd/-
Secretary & Registrar
Assam State Information Commission

Memo No. KP(M) 8/2015/ -A

Dtd. 1-9-.2015

Copy to:

1. SPIO & Joint Secretary, Revenue & Disaster Management Department, Dispur, Guwahati-6 for information .
2. SPIO & Principal , Assam Engineering College, Guwahati for information and necessary action.
3. Sri Soumitra Sengupta, C/O Sri Gagan Ch Sarma, Flat E-01, 1st Floor, Shanti Enclave, Namghar Path, Panjabari, Guwahati-37 for information.
4. Computer Section for uploading in the Website.
5. Office File.

Secretary & Registrar
Assam State Information Commission

