

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

Case No. : SIC/KP(M).97/2018
Appellant : Shri Harinarayan Pathak
Respondent : The SPIO, O/o the Director, Fire & Emergency Services,
Assam, Panbazar, Guwahati- 1
Date of hearing : 09.05.2018
Second Appeal heard by : Shri Pinuel Basumatary, IA & AS (Retd.)
State Information Commissioner, Assam

O R D E R
09.05.2018

Shri Tarun Hazarika, APS, Divisional Officer, (E)/SPIO, Fire & Emergency Services, Assam is present.

Written Statements both dated 21.04.2018 from the Director General of Police-cum-Director, Fire & Emergency Services, Assam and Divisional Officer (E) and SPIO, Fire & Emergency Services, Assam received respectively.

The Appellant, Shri Harinarayan Pathak is present.

Heard the Appellant. He submitted that he had received the information in respect of query 1 and 2 although the documents were not duly authenticated, and that he had not received information in respect of query 3 and 4 which related to file notings together with relevant documents in connection with issue of NOC and the status of the NOC as on 16.09.2017 respectively. Regarding query 4 he submitted that he sought to know whether the NOC had been extended and work had been done according to the terms and conditions of the NOC and file notings and other documents relating to it.

Perused the Written Statements and heard the SPIO. The DGP-cum-Director, F & E Services, Assam submitted that the SPIO had taken appropriate action in furnishing the information regarding file notings he stated as follows:

“Third Party information generated from other departments/authorities like GMDA/GMC etc. is not furnished to the Appellant U/S Section 8(j) (sic) as it would cause unwarranted invasion of the privacy of the individual and would have harm the competitive position of the Third party and the same is exempted from disclosure.”

The SPIO submitted that the information has been provided based on record and the decision on exemption from disclosure as cited by the DGP. He added that the information on query 4 could not be submitted as the same was not clearly worded.

After a careful perusal of the RTI Application dated 16.09.2017 the information already furnished and the submission made by the Public Authority, the Commission concludes that the information, namely, file notings cannot be treated as an exempted item U/S 8 as the copy of the related NOC as sought for has already been provided. It is not tenable to contend that disclosure of the file notings shall amount to invasion of privacy of the individual concerned. Besides, the decision to issue NOC to the party/builders in this case had public interest in its scope. Query 4 read as follows : “The status of the NOC as on 16.09.2017 supported by documents and proofs including respective file notings.” The Commission is of the view that as the NOC had clearly indicated the validity up to 31.03.2017 seeking the information on the status thereof was confusing and suffers from lack of clarity.

In view of the above, the Commission hereby orders that the SPIO shall furnish the information sought for by the Appellant on query 3 namely, file notings together with other relevant documents leading to issue the concerned NOC, free of cost, within 10 days of receiving this order. As regards query 4, the same is untenable and therefore not to be pursued.

The Second appeal is hereby disposed of. However, the Appellant shall be at liberty to move this Commission, if he is aggrieved with the response of the SPIO.

Sd/-

Pinuel Basumatary IA & AS (Retd.)
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy

Sd/-

Joint Registrar
Assam Information Commission

Memo No. SIC/KP(M).97/2018/24-A

Dtd.09.05.2018

Copy to:

1. The SPIO, O/o the Director, Fire & Emergency Services, Assam, Panbazar, Guwahati- 1 for information and necessary action.
2. The First Appellate Authority/Director, Fire & Emergency Services, Assam, Panbazar, Guwahati- 1 for information.
3. The Appellant, Shri Hari Narayan Pathak, Padum Pukhuri, Uzan Bazar, Guwahati- 781 001, Assam for information.
4. Computer Section for uploading in the Website.
5. Office File.

Joint Registrar
Assam Information Commission

