



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

Case No. : KP(M).759/2019
Complainant/ appellant : Shri Ashim Chamuah - **Present**
Respondent : Dr. Dilip Kr. Kalita, Director, ABILAC accompanied by his
advocate Shri Parag Kr. Nath - **Present**
Date of hearing : 8.5.2019
Complaint/ Second : Shri H.S. Das, IAS (Retd)
Appeal heard by : Chief Information Commissioner, Assam

O R D E R
8.5.2019

1. The second appeal petition dated 10.4.2019 read with the RTI petition dated 9.1.2019 is taken up for hearing in presence of both the parties. It is seen from the case records that the appellant/petitioner filed an RTI petition dated 9.1.2019 before the PIO of the Department of Higher Education, Govt. of Assam seeking copies of a few documents and some additional informations pertaining to the service of Dr. Dilip Kr. Kalita as Director, Aundoram Borooah Institute of Language, Arts and Culture (ABILAC). The RTI petition was transferred by the SPIO of Higher Education Department to the Director, ABILAC vide letter dated 30th January, 2019 requesting him to furnish the sought for informations directly to the petitioner, Shri Ashim Chamuah. The Director, ABILAC vide letter dated 1.3.2019 informed the petitioner that all the sought for informations at sl. No. 1, 2, 3, 4, 5 and 6 of the RTI petition are personal informations u/s 8(i) (j) of the RTI Act, 2005 and hence are exempted from being disclosed. Dr. Dilip Kr. Kalita, respondent, also filed a written statement, which is entered into the case records. In his WS he enclosed a copy of an order of Hon'ble Gauhati High Court in Case No.WP(C) 1511/2016 enclosing a copy of Hon'ble Supreme Court's order in Civil Appeal No. 22 of 2009- Canara Bank -Vs- C.S. Shyam & anr, as reported in 2017 SAR (Civil) 1115 relating to transfer and posting of staff for a particular period in all the branches of the Bank. The learned advocate on behalf of the respondent contended that the informations sought for by the petitioner in the instant second appeal case are in the nature of personal informations, which the Hon'ble Supreme Court in the above mentioned appeal case disallowed on the ground that they are service details and cannot be disclosed u/s 8(i) (j) of the RTI Act, 2005.

2. The appellant Shri Ashim Chamuah acknowledged receipt of ABILAC's letter dated 1.3.2019 referred to above. The appellant Shri Ashim Chamuah contended that since ABILAC is a public institution, all the informations sought for by him are admissible under the RTI Act, 2005.

3. This Commission is of the view that ABILAC is an autonomous institution registered under the Indian Society Act, 1860 and substantially financed by the Govt. of Assam. It therefore, falls within the ambit of the RTI Act, 2005, and is a public authority u/s 2(h) of the Act. Being a public authority under the RTI Act, it is mandatory for ABILAC to display suo motu a directory of its officers and employees u/s 4(i) (b) (ix) of the Act. Moreover, this Commission is of the view that ABILAC being an important public institution of the State, its smooth and efficient functioning as per laid down rules and procedure is a matter of public importance and interest. Therefore, as a part of such public interest, citizens have the right to know informations about its officials and employees to the extent that they are relevant to the institution/organization they serve, without however, intruding into the privacy of such officials and employees.

4. After perusal of the informations sought for by the petitioner, this Commission is of the view that they are admissible under the RTI Act, 2005 and they do not merit to be exempted u/s 8(i) (j) of the Act on the grounds of intrusion into the privacy of Dr. Dilip Kr. Kalita, the respondent, because all the informations sought for are related to his relationship with ABILAC as its Director. As for the Hon'ble Supreme Court's order referred to above and as produced by learned advocate for the respondent, it appears that the context was different, which cannot be applied mutatis mutandis in the instant case.

5. However, although the SPIO of the Higher Education Department transferred the RTI application to the Director, ABILAC, this Commission is of the view that all the informations sought for at sl. Nos. 1, 2, 3, 4, 5, and 6 of the RTI petition are held by the Higher Education Department of the Government of Assam and are required to be furnished by its SPIO. The SPIO of Higher Education Department, therefore, appears to have shirked his/her responsibility by transferring the RTI petition to the Director of ABILAC in a mechanical manner without due application of mind.. The SPIO of Higher Education Department, Government of Assam is directed to furnish all the sought for informations to the appellant/petitioner within 15 days from the date of receipt of this order and report compliance.

6. **Fix 1.00 PM on 10.6.2019.for review of compliance.**

7. **Issue notices to the first appellate authority and SPIO of Higher Education Department to file their written statements or personal appearances as the case may be on the next date of hearing.**

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).759/2019/

Dated. 8.5.2019

Copy to: 1. The First Appellate Authority, Higher Education Department, Govt. of Assam, Dispur, Guwahati-6 for information and necessary action.
2. The SPIO of Higher Education Department, Govt. of Assam, Dispur, Guwahati-6 for information and necessary action.
3. The Director, Anundaram Borooah Institute of Language, Arts and Culture, Rajaduar, North Guwahati, Guwahati-30 for information.
4. Shri Ashim Chamuah, Chandmari Colony, Namoni Nijarapar, House No. 2, 2nd Floor, Dist. Kamrup (M), Guwahati, Assam, PIN-781 003 for information.
5. Computer Section for uploading in the Website.
6. Office File.
7. Order Book

Registrar i/c
Assam Information Commission