



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

Case No. : SIC/KP (M).377/2019
Complainant/ appellant : Mrs. Ranjita Sinha
Respondent : SPIO of the L.C.B. College
Date of hearing : 12.8.2020
Complaint/ Second : Dr. A.P. Rout, IPS (Retd.)
Appeal heard by : State Chief Information Commissioner, Assam

O R D E R
12.8.2020

The petitioner Mrs. Ranjita Sinha is absent. However, she has authorized Sri Manash Jyoti Bhattacharyya, Advocate, Gauhati High Court to present on her behalf as she is suffering from Cancer. The public authority is represented by Dr Bibhuti Choudhury, PIO, RTI Cell of LCB College.

The Principal of LCB College has submitted a written statement dated 10.8.2020 which is entered into the case records.

The PIO stated orally that the information sought by the petitioner is covered under Section 8(1) (j) of the RTI Act, 2005 i.e. exemption from the disclosure of personal information.

Let's examine the provisions of RTI Act, 2005 and conventions, Articles, Acts leading to enactment of the Act on right to information

1. The American Convention of Human Rights (' Pact of San Jose', Costa Rica'), 1969 and articles 13 states that everyone has the right to freedom of thought and expression. This right includes freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing, in point, in the form of that art, or through any other media of one's choice.

Further the article 9 states that every individual shall have the right to receive information.

2. The Commonwealth Law Ministers, at their forthcoming meeting in Trinidad from 3-7-May, 1999 Part III of Commonwealth Principles states that "the freedom of information should be guaranteed as a legal and enforceable right permitting every individual to obtain records and information held by the executive, the legislative and judicial arms of the State, as well as any government owned corporation and any other body carrying out public functions"

3. Article 19 (1) of Indian Constitution as reads – Everyone shall have the right to freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of choice.

4. Constitutional Bench of Supreme Court in the State of Uttar Pradesh Vs. Raj Narain & others- AIR 1975 SC 865 speaking through Justice Mathew held:

quot;... The people of this country have a right to know every public act, everything, that is done in a public way, by their public functionaries. They are entitled to know the particulars of every public transaction in all its bearing. This right to know, which derived from the concept of freedom of speech, though not absolute, is a factor which should make one wary, when secrecy is claimed for transactions which can, at any rate, have no repercussion on public security... To cover with veil of secrecy, the common routine business, is not in the interest of the public. Such secrecy can seldom be legitimately desired & unquot;

In Secretary, Ministry of Information & Broadcasting, Govt. of India and Ors. v. Cricket Association of Bengal and Ors. – (1995) 2 SCC 161, this Court also held that right to acquire information and to disseminate it is an intrinsic component of freedom of speech and expression.

Again in Reliance Petrochemicals Ltd. v. Proprietors of India Express Newspapers Bombay Pvt. Ltd. & - (1988) 4 SCC 592 this Court recognized that the Right to Information is fundamental right under Articles 21 of the Constitution.

This Court speaking through Justice Sabyasachi Mukharji, as His Lordship then was, held:

quot:... We must remember that the people at large have a right to know in order to be able to take part in a participatory development in the industrial life and democracy. Right to know is a basic right which citizens of a free country aspire in the broader horizon of the right to live in this age in our land Article 21 of our Constitution. That right has reached new dimensions and urgency. That right puts greater responsibility upon those take upon themselves the responsibility to inform. unquot;

5. The object and reasons of the RTI Act recite that the provisions of RTI Act are to ensure maximum disclosure and minimum exemptions consistent with the constitutional provisions and to provide for an effective mechanism for access to an information and disclosure by authorities. Still further RTI Act has been enacted in order to promote transparency and accountability in the working of every public authority.

Vijay Dheer Versus State Information Commission, Punjab & Ors. (LNIND 2013 PNH 2263)

6. Whosoever on basis of his/her educational qualification an experience seeks appointment particularly to a public office cannot claim any secrecy/confidentiality.

Opined the court in interpreting the Provision of Section 8 (1) (j) of the RTI Act, 2005 in UPSC VS. Sugathan (LNIND 2011, DEL 12140)

In the light of provisions in the Constitution of India and the RTI Act, 2005, and Court decisions the Commission decides that the information sought for relates to appointment of the Principal which is of public interest and aims at not only making transparency in the appointment but also making people know that the appointment was transparent.

Information already held in public domain and relates to selection process of any post is to be given. Hence the information sought for by the petitioner vide her RTI petition dated 25.9.2017 is not personal information and not exempted under Section 8(1)(j) of the RTI Act, 2005. Therefore, the Commission directs the SPIO of LCB College to furnish the sought for information to the petitioner within 15 days from the date of receipt of this order.

8. With the above direction, the complaint dated 15.10.2017 is disposed off.

Sd/-

(Dr. A.P. Rout, IPS (Retd.))
State Chief Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Sd/-

Registrar i/c
Assam Information Commission

Memo No. SIC/ KP(M).377/2019

Dtd. 12.8.2020

Copy to:

1. The SPIO of the Office of the LCB Collge, P.O- Maligaon, Dist.- Kamrup(M) for information and necessary action.
2. The First Appellate Authority of the Office of the Commissioner & Secretary, Higher Education Deptt, Guwahati-06 for information.
3. The Petitioner, Mrs. Ranjita Sinha, Gayatri Apartment Block -1, P.O- Binovanagar, Guwahati-18 for information
4. Computer Section for uploading in the Website.
5. Office File.
6. Order Book.

Registrar i/c
Assam Information Commission