



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

Case No. : SIC/NLB.47/2019
Complainant/ appellant : Sri Nripen Namasudra.
Respondent : SPIO of the Personnel (A) Department.
Date of hearing : 31.8.2020
Complaint/ Second : Dr. A.P. Rout, IPS (Retd.)
Appeal heard by : State Chief Information Commissioner, Assam

O R D E R
31.8.2020

1. The petitioner Sri Nripen Namasudra is present. The public authority i.e. SPIO Smti Sharmila Baishya, ACS & Deputy Secretary of Personnel (A) Department is present.
2. The SPIO of Personnel (A) has submitted a written statement dated 27.8.2020 stating that information sought for by the applicant is third party information and issued to the concerned officer for his consent for furnishing of information. But the concerned officer denied furnishing of required information to the applicant vide letter dated 2.8.2019. Accordingly the petitioner was informed the same vide letter No AAP.148/2018/58 dated 26.8.2019. The First Appellate Authority had passed an order dated 30.9.2019 mentioning that the sought for information is considered as Third party information and the same cannot be disclosed to the applicant u/s Section 11(1) of the RTI Act, 2005 with a copy to the petitioner, Sri Nripen Namasudra.
3. The petitioner present stated orally that he has not received the replies either from the SPIO or from the First Appellate Authority. But surprisingly he has enclosed copies of both the the replies from the SPIO and the First Appellate Authority. The Commission viewed it seriously.
4. As regards to the reply of the SPIO and the First Appellate Authority, taking resource to non disclosure u/s 11(1) of RTI Act, 2005, the Commission also analyzed the provision of RTI Act u/s 8(1) (e) read with provision u/s 8(1)(j) which was settled in Delhi High Court order dated 8.11.2013 in WP(C) 5812/10 in UPSC –VS- Pinki Ganeriwal. The similar position was held in Supreme Court vide appeal No. 6362/2013 dated 6.8.2013 in UPSC -VS- Gaurhari Kamila.
5. The Commission agrees with the reply of the First Appellate Authority in non-disclosing the information by taking recourse u/s 11(1) of RTI Act, 2005. Further the Commission after due consideration of the provision of RTI Act 8(1)(e) R/W provision 8(1)(j) also decides that academic credentials and caste certificate of Shri Gurnel Singh, ACS are exempted u/s 8(1)(e) and 8(1)(j).
6. The instant second appeal petition dated 10.1.2019 is disposed off.

Sd/-
(Dr. A.P. Rout)

Authenticated true copy.

Sd/-
Registrar i/c
Assam Information Commission

Memo No. SIC/ NLB.47/2019

Dtd. 31.8.2020

Copy to:

1. The SPIO of the Office of the Personnel (A) Department, Dispur, Ghy-06 for information.
2. The First Appellate Authority, Office of the Personnel (A) Department, Dispur, Ghy-06 for information.
3. The Appellant, Sri Nripen Namasudra, Vill- Barsimulua, P.O-Athgharia, PS-Nalbari, Assam, PIN-781374 for information.
4. Computer Section for uploading in the Website.
5. Office File.
6. Order Book.

Registrar i/c
Assam Information Commission