



**OFFICE OF THE  
ASSAM INFORMATION COMMISSION  
JONAKEE COMPLEX, PANJABARI, GUWAHATI-781037**

Case No. : SIC/KP (M) 235/2021  
Complainant/ appellant : Sri Joydeb Das  
Respondent : SPIO, O/o the State Coordinator, National Registrar of Citizen  
Date of hearing : 29.9.2021  
Complaint/ Second : Dr. A.P. Rout.  
Appeal heard by : State Chief Information Commissioner, Assam

**O R D E R**  
29.9.2021

1. The petitioner filed RTI petition dated 17.5.2021 before the PIO, State Coordinator, NRC, Assam seeking information under Section 6(1) of the RTI Act. On his petition he has enclosed a complaint petition dated 31.03.2021 regarding complaint of doubtful NRC legacy data used by one Sri Vijay Kr. Nanda of Mazgaon, Near BED College, Tezpur, Assam.
2. In reply to his RTI petition, the Joint Secretary to the Govt. of Assam, Home & Political Department vide letter No. SPMU/NRC/RTI/776/2021/6 dated 17<sup>th</sup> June, 2021 asked the petitioner to provide the ARN number of the suspected person as without the reference they are not in a position to check the data.
3. Then the petitioner submitted first appeal petition dated 30.6.2021 enclosing the ARN No of the suspected person. In reply to that the State Coordinator and the First Appellate Authority vide letter No. SPMU/NRC/RTI/776/2021/18 dated 23<sup>rd</sup> July, 2021 intimated the petitioner that the information relates to third party and is exempted from disclosure under Section 8 (1)(j) of the RTI Act, 2005.
4. Then the petitioner filed second appeal petition before the Commission. Accordingly the date of hearing is fixed today.
5. The petitioner Sri Joydeb Das is present. The public authority i.e. the SPIO of the Office of the State Coordinator, National Registrar of Citizens (NRC) Smti Chandana Mahanta, ACS is present.
6. The petitioner at the hearing stated that the NRC update was undertaken in Assam to safeguard the interest of the local residents and also to foster the National integrity of the country as a whole. This is a sovereign function of the Government and the SPIO/First Appellate Authority cannot take the plea under exemption clause 8(1) (j) to protect the interest of an alleged doubtful person who has no records of his existence in Assam prior to 1971.
7. The Commission would like to quote Section 8 (1)(j) of the RTI Act, 2005 the *information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information* Unquote.

8. From the above, it is clear that the SPIO/First Appellate Authority cannot take the plea as there is no relationship to any public activity or interest or which would cause unwarranted invasion of privacy of an Individual.

9. In careful examination of the provision, the Commission is of the opinion that the NRC authority is doing its sovereign duty in indentifying the bonafide persons and updating the register and withdrawing the name of any doubtful person in use of any fraudulent documents which obviously in the larger public interest of the people and state of Assam. Hence, the Commission is of the opinion that the exemption plea under 8(1)(j) in not providing the information is not tenable.

10. However, the SPIO pointed out that there is a judicial injunction in not revealing any information till the final NRC update is made. If it is so, then the SPIO would have clearly intimated the petitioner the about legal provision and also would have intimated him that his petition is acknowledged and the enquiry would be done in ascertaining the veracity of the documents and accordingly the final data would be updated.

11. The Commission therefore directs the SPIO of the Office of the State Coordinator, NRC to provide the legal position if any on revealing the NRC data to the petitioner.

12. With the above direction, the second appeal petition dated 3.8.2021 is disposed off.

Sd/-

(Dr. A.P. Rout)

Authenticated true copy.

Sd/-

Secretary & Registrar  
Assam Information Commission

**Memo No. SIC/ KP(M).235/2021**

**Dtd. 29.9.2021**

Copy to:

1. The SPIO, O/o the State Coordinator, National Registrar of Citizens, Achyut Plaza, Bharalupar, Bhangagarh, Ghy-05 for information and necessary action.
2. The First Appellate Authority/ the Secretary, State Coordinator NRC, Assam, GS Road, Bhnagarh, Ghy-781005 for information
3. Sri Joydeb Das, S/o- Late Karunamoy Das, H.No-16, Kushal Konwar Road, Near Mayur Krishna Cinema Hall, Ambari Fatashil, Ghy-25, Assam for information.
4. Computer Section for uploading in the Website.
5. Office File.
6. Order Book.

Secretary & Registrar  
Assam Information Commission