



**OFFICE OF THE
ASSAM INFORMATION COMMISSION**

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Case No. : SIC/KP(M).180/2021
Appellant : Sri Joydeb Das
Respondent : The SPIO, O/o the Deputy Commissioner, Sonitpur
Date of hearing : 12.01.2022
Second Appeal heard by : Sri Kanak Ch. Sarma
State Information Commissioner, Assam

O R D E R

12.01.2022

The appellant Sri Joydeb Das is present.

Smti. Kabita Phangcho, Asstt. Commissioner & SPIO, o/o the Deputy Commissioner, Sonitpur, Tezpur is present. She submits a written statement in response to Commission's order dated 20.12.2021 vide letter no. nil dated nil. She has also enclosed a copy of the letter bearing no. SPMU/NRC/Misc.Matters/72/2015/Pt-I/538 dated 04.01.2022 issued by the Secretary to the Government of Assam, Home & Political Department and State Coordinator, NRC, Assam.

Perused the case record. The appellant submitted one application dated 26.04.2021 under the RTI Act, 2005 before the SPIO, o/o the DC, Sonitpur seeking certain informations. He did not receive the desired informations within the stipulated period of time for which he submitted 1st appeal petition dated 08.06.2021 before the 1st appellate authority, o/o the DC, Sonitpur. He was not provided with the sought for informations even after submission of 1st appeal petition and as such, preferred 2nd appeal under section 19(3) of the RTI Act, 2005 before the Commission. The Commission registered the 2nd appeal case and issued notice to all concerned. Meanwhile, the appellant received some informations from the SPIO and Assistant Commissioner, o/o the DC, Sonitpur vide letter no. SRTI.2/2021-22/96 dated 06.07.2021. The appellant was not satisfied since no specific information was furnished against his petition dated 26.04.2021. During the hearing of this 2nd appeal on 17.11.2021, the appellant was directed to submit affidavit explaining his contention and to endorse a copy of the same to the SPIO of DC's office, Sonitpur. Accordingly, the appellant submitted affidavit on 18.11.2021 before the Assam Information, and endorsed a copy of the same to the SPIO. The appellant through his affidavit dated 18.11.2021 reiterates his points that the SPIO, DC's office, Sonitpur deliberately abstained from furnishing specific informations against his petition dated 26.04.2021. In her defense, the SPIO submits orally that she cannot submit the informations as sought for because of the order of the Hon'ble Apex Court of India and also the direction of State Coordinator, NRC, Assam vide his letter no. SPMU/NRC/Misc.Matters/72/2015/Pt-I/538 dated 04.01.2022.

The order of the Hon'ble Supreme Court reads as follows-

“The Hon'ble Court in its order dated 13.08.2019 directed that “an appropriate regime be enacted on lines similar to the security regime provided for AADHAAR. Only thereafter, the list of inclusions and exclusions shall be made available to the State Government, Central Government and Registrar General of India. For enactment of an appropriate security regime, the process of formulation and implementation of the Information Security Management System (ISMS) policy is in progress. On completion of implementation of the security regime system, the data could be shared only with the stakeholders in compliance of the above mentioned order of the Hon'ble Supreme Court. And as per Clause 7 of the Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules, 2003 the Registrar General of Citizens Registration shall publish the final national Register of Indian Citizens in the State of Assam. Thereafter, the decision on the matter of revealing of NRC data will be decided by the o/o the RGI based on the controls in regard to data sharing specified in the ISMS policy, which is yet to be approved.”

From the context of the above letter, it is observed that no authority is allowed to share informations in respect of updation of NRC and the same could be shared with the stakeholders only after a decision taken by the Registrar General of India.

In the context stated above, the Commission is of the opinion that no information in connection with updation of NRC can be shared at this moment. As such, the 2nd appeal dated 08.07.2021 is disposed of.

Sd/-
(Kanak Ch. Sarma)
State Information Commissioner, Assam
Panjabari, Guwahati


Authenticated true copy

Sd/-
Secretary & Registrar
Assam Information Commission

Memo No. SIC/KP(M).180/2021
Copy to:

Dtd.12.01.2022

1. The SPIO, O/o the Deputy Commissioner, Sonitpur, Dist.- Sonitpur, Assam, Pin- 784 001 for information and necessary action.
2. The First Appellate Authority/office of the Deputy Commissioner, Sonitpur, Dist.- Sonitpur, Assam, Pin- 784 001 for information.
3. The Appellant, Sri Joydeb Das, S/o- Lt. Karunamoy Das, H/No.- 16, Kushal Konwar Road, Near Mayur Krishna Cinema Hall, Ambari Fatashil, Guwahati- 781 025, Contact No. 9101522142 for information.
4. Computer Section for uploading the order in the Website.
5. Office File.


Secretary & Registrar
Assam Information Commission