

Case No. : SIC/KP(M).976/2019.
Complainant/ Appellant : Shri Shubhrangshu Deb
Respondent : The SPIO/ the ADC i/c NRC Branch, O/o the Deputy
Commissioner, Tinsukia, Assam, PIN Code 786125,
Assam.
Date of Hearing : 06-10-2021
Complaint/ Second
Appeal heard by : Shri Samudra G. Kashyap.
State Information Commissioner, Assam.

O R D E R
06-10-2021

1. The appellant Shri Shubhrangshu Deb is present. The appellant has also submitted a written appeal dated 06.10.2021 praying for certain relief.
2. Shri Subhram Aditya Bora, PIO and SDO(S), O/o the Deputy Commissioner, Tinsukia District, is present. He has also submitted a written statement No. TSK/NRC-13/RTI-2015/112 dated 01.10.2021 sent by the Addl. Deputy Commissioner, NRC, Tinsukia, comprising of 12 (twelve) pages.
3. From perusal of records it is seen that the appellant Shri Shubhrangshu Deb had submitted one RTI application on 11.05.2019 to the SPIO, O/o the Deputy Commissioner, Tinsukia, seeking 4 (four) informations related to an objection filed by one Shri Putul Kr. Gogoi against the inclusion of the name of Smti Arati Deb, 83 years (mother of the appellant) in the National Register of Citizens (NRC). The said RTI application was transferred to the Addl. Deputy Commissioner (NRC), Tinsukia, vide letter No. RTI/TSK/1/2018 ID No. 422 dated 27.05.2019. On not getting any response within the stipulated period, the appellant Shri Shubhrangshu Deb submitted a 1st Appeal in the O/o the Deputy Commissioner, Tinsukia, seeking an order of his RTI application. On 07.08.2019 the FAA/Election Officer/PIO, O/o the Deputy Commissioner (RTI Branch) informed the appellant Shri Shubhrangshu Deb vide letter No. RTI Appeal case No. 19/2019 that as the informations sought are related to the NRC preparation, as such proceeding of NRC hearings cannot be made public, and that it has been "censored" by the honourable Supreme Court of India; and hence the information sought by Shri Shubhrangshu Deb cannot be given, and as such his 1st Appeal was not admitted. Aggrieved over this action of the PIO, O/o the Deputy Commissioner, Tinsukia, Shri Shubhrangshu Deb preferred a 2nd Appeal in this Commission on 27.08.2019.
4. The written statement submitted today by the Public Authority has specifically mentioned that the information sought by Shri Shubhrangshu Deb cannot be provided. In this connection copy of a letter No SPMU/NRC/Dist-Co-Equip/68/2015/Pt-6/406 dated 11.05.2019 issued by the State Coordinator, National Register of Citizens, Assam and Principal Secretary to the Govt. of Assam. Home and Political Department sent to all Deputy Commissioners and District Registrars and Citizen Registration in which reference has been made of an order of the Honourable Supreme Court dated 08.05.2019 according to which identity and address of objector are not to be revealed to anybody until further orders.
5. During today's hearing the appellant Shri Shubhrangshu Deb while making a written submission has reiterated that he be furnished the informations sought, as, according to him the information sought for is not exempt from disclosure under RTI Act. In this connection the Commission would like to take a look at Section 8(1) of the RTI Act relating to exemption from disclosure of information. At Section 8(1)(b) it has been stated that there shall be no obligation to give any

citizen information which has been expressly forbidden to be made public by any court of law or tribunal or the disclosure of which may constitute contempt of court. In the instant case the appellant however has verbally submitted that his 83-year old mother was “deliberately” harassed by one Shri Putul Kr. Gogoi by raising an objection which could not be apparently substantiated in due course of action initiated by the NRC authority. The appellant Shri Shubhrangshu Deb in his Appeal and submission also submitted a photocopy of the objection form related to the NRC, Assam, at the bottom of which it has been particularly mentioned as follows “Providing any false information would attract penalties under the Citizenship Act 1955”. While the PIO and SDO(S) has pointed out through the written statement of the Addl. Deputy Commissioner (NRC), Tinsukia, that the information sought by the appellant cannot be provided because of certain restrictions imposed by the Supreme Court of India, **the Commission is inclined to believe on the basis of the submissions of the appellant Shri Shubhrangshu Deb that it is a case of providing false information against his 83-year old mother which attracts penalties under the Citizenship Act 1955. If this to be true then the SPIO, O/o the Addl. Deputy Commissioner (NRC), O/o the Deputy Commissioner, Tinsukia, may examine the scope of providing the sought for information to the appellant. Though Section 8(1)(b) expressly exempts disclosure of information on the basis of any direction of any court of law, the SPIO may once again examine the request for providing the information sought for if there is any scope to furnish the same despite the exemption.**

6. **The order shall be carried out within 21 (twenty-one) days from the date of receipt of this order. The SPIO shall also submit an Action Taken Report to the Commission at the earliest.**
7. With the above order, this 2nd Appeal is hereby disposed of.

Sd/-
(Samudra G. Kashyap)
State Information Commissioner,
Assam.

Authenticated true copy.


Sd/-
Secretary & Registrar
Assam Information Commission

Memo No. SIC/KP(M).976/2019

Dated: 06-10-2021

Copy to:

1. The SPIO/ the ADC i/c NRC Branch, O/o the Deputy Commissioner, Tinsukia, Assam, PIN Code 786125, Assam, for information and necessary action.
2. First Appellate Authority/ O/o the Deputy Commissioner, Tinsukia, Distt. Dhubri, PIN Code 786125, Assam, for information.
3. The petitioner, Shri Shubhrangshu Deb, Akashdeep Apratments, 5th Floor, H. No. 12, Bholanath Mandir Path, Ulubari, Guwahati, PIN 781007, Assam, for information.
4. Computer section for uploading in the website.
5. Office File.
6. Order Book.


Secretary & Registrar
Assam Information Commission