

OFFICE OF THE
ASSAM INFORMATION COMMISSION

JONAKEE COMPLEX, SHILPGRAM ROAD, PANJABARI, GUWAHATI- 781037

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Case No. :SIC/KP(M) 307/2021
Complainant/ Appellant : Bhaskar Jyoti Das
Respondent :SPIO, O/o the Managing Director, Assam State
Transport Corporation, Paltanbazar, Guwahati 08
Date of Hearing : 09/03/2022
Complaint/ Second : Dr. A.P.Rout,
Appeal heard by State Chief Information Commissioner, Assam

O R D E R
09/03/2022

1. In continuation of earlier order dated 27.1.2022, the matter was taken up for hearing.
2. The petitioner Sri Bhaskar Jyoti Das is present.
3. The Public Authority is represented by Sri Dipak Tamuli, Personnel Officer (i/c) cum SPIO, Assam State Transport Corporation, Paltanbazar, Guwahati.
4. The SPIO has submitted a written statement dated 9.3.2022 stating that the information is exempted u/s 8(1)(h) and (j) of the RTI Act,2005 and hence the information cannot be given.

He has quoted the information u/s 8(1)(h) and (j) of the RTI Act,2005 as follows:

(1) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen;

(h) information which would impede the process of investigation or apprehension or prosecution of offenders;

(j) information which relates to personal information the disclosure of which has not 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: Provided that the information, which cannot be denied to the Parliament or a State Legislature shall not be denied to any person.

However on careful examination on the above two provisions, the Commission finds that section 8(1)(h) relates to police as process of investigation or apprehension / prosecution of offenders are activities of police not other organization. As referred to 8(1)(j), the petitioner has already mentioned that there is illegality and corruption. The SPIO as per section 8(1)(j) mentioned that there is no relationship with public activity or interest and there is possibility of unwarranted invasion of privacy of the individual and so the information need not be given.

It is found that in this case there is no invasion of privacy of individual.

5. The SPIO further said that the Directors has already taken action in cancelling the decision at the 178th meeting of the Board of Directors so the question of providing the information to the petitioner does not arise.

This explanation by the SPIO is also not tenable as the information is still available with the authority.

6. In light of the above, the Commission directs the SPIO to provide relevant information within one month.

7. In view of the above, the case is disposed off.
Authenticated copies to be given to all concerned.

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

Authenticated true copy.

Sd/-
Secretary & Registrar
Assam Information Commission

Memo No. SIC/KP(M).307/2021

Dtd. 9.3.2022

Copy to:

1. The SPIO, Office of the Managing Director, Assam State Transport Corporation, Paltanbazar, Guwahati 781008 for information and necessary action as ordered above.
2. The petitioner Bhaskar Jyoti Das, Nilgiri Path, H.No.1,(Back Side of Blue Dart Building) 2nd Floor, R.G.B.Road, Guwahati 781024 for information.
3. Computer Section for uploading in the Website.
4. Office File.
5. Order Book.

Secretary & Registrar
Assam Information Commission