

**Case No** : SIC/DBR.3/2021  
**Complainant/ Appellant** : Shri Sanjeeb Kumar Chakravarty.  
**Respondent** : The SPIO, O/o the Assam Tea Employees Provident Fund Organisation, Nidhi Bhawan, Basistha, Lalmati, N.H.37, Guwahati, PIN Code-781029 Assam.  
**Date of Hearing** : 15-03-2021  
**Complaint/ Second Appeal heard by** : Shri Samudra G. Kashyap.  
State Information Commissioner, Assam.

**O R D E R**  
**15-03-2021**

1. The appellant Shri Sanjeeb Kumar Chakravarty is absent. But he has authorised Shri Nazrul Islam Khan, Advocate, to appear on behalf of him in today's hearing. Accordingly Shri Nazrul Islam Khan has appeared and submitted a vakalatnama in this connection.
2. Shri Anjanjyoti Das, Additional P.F. Commissioner, Assam Tea Employees Provident Fund Organisation, Guwahati, is present. He is accompanied by Shri Rupjyoti Tanti, Fund Control Officer, Assam Tea Employees Provident Fund Organisation, Guwahati, and Shri Debashish Bhattacharjee, Deputy P.F. Commissioner, Assam Tea Employees Provident Fund Organisation, Guwahati.
3. From perusal of records it is seen that the appellant Shri Sanjeeb Kumar Chakravarty had submitted one RTI application to the SPIO, O/o the Assam Tea Employees Provident Fund Organisation, Guwahati, on 09.07.2020, seeking three informations. The SPIO of Assam Tea Employees Provident Fund Organisation, Guwahati, on 27.08.2020 replied to the RTI application vide letter No. PF/RTI/2020/35 providing information to the first two queries. Regarding information to the third query the SPIO informed that the information sought for could not be shared as such informations are exempt under provisions of Section 8(1)(j) of the RTI Act, 2005. The appellant Shri Sanjeeb Kumar Chakravarty submitted an Appeal before the FAA, O/o the Assam Tea Employees Provident Fund Organisation, Guwahati, on 24.09.2020, stating that the information sought for under query No. 3 of the above-mentioned RTI application does not attract exemption under Section 8(1)(j) of the RTI Act, 2005, as claimed by the Public Authority. Section 8(1)(j) of the RTI Act, 2005, states that "Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen, 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."
4. The appellant in his 1<sup>st</sup> Appeal claimed that the information sought for cannot be construed as personal information, and that sharing the same in no way would lead to unwarranted invasion of privacy, and that the information sought for was relevant to public interest. In response to this, the FAA of Assam Tea Employees Provident Fund Organisation, Guwahati, vide letter No. PF/RTI/2020/54 dated 05.11.2020, informed the appellant Shri Sanjeeb Kumar Chakravarty that the information sought for in query No. 3 was not in public interest and is exempt under Section 8(1)(j) of the RTI Act, 2005.

5. In today's hearing the FAA of Assam Tea Employees Provident Fund Organisation, Guwahati, submitted a written statement No.PF/RTI/2020/101 dated 15.03.2021 reiterating the Public Authority's earlier stand that the information sought for cannot be furnished as provided under Section 8(1)(j) of the RTI Act, 2005. Shri Nazrul Islam Khan, Advocate for the appellant Shri Sanjeeb Kumar Chakravarty, however insisted that the information sought for cannot be considered as exempted under Section 8(1)(j) and that it involves larger public interest. The SPIO of Assam Tea Employees Provident Fund Organisation, Guwahati, however stuck to his original stand of considering the information sought for as exempted. The SPIO also apprehended breach of peace and other related problems in the event of disclosing the information sought for, because it involves matters which are directly or indirectly related to a large number of tea garden workers.
6. When the attention of the SPIO was drawn to the contents of the paragraph following Section 8(1)(j) of the RTI Act, 2005, which reads "provided that the information which cannot be denied to the Parliament or State Legislature shall not be denied to any person", the SPIO sought time to think over the matter.
7. **In view of the above, the SPIO, Assam Tea Employees Provident Fund Organisation, Guwahati, is directed to provide the information sought for under query No.3 of the above mentioned RTI application of Shri Sanjeeb Kumar Chakravarty, if the Public Authority considers that the information is not exempted under any provisions of the RTI Act, 2005. The informations shall be provided free of cost within 15 (fifteen) days from the receipt of this order. The SPIO is also directed to inform the Commission about the action taken in this order.**
8. The appellant Shri Sanjeeb Kumar Chakravarty is free to approach any other appropriate forum in the event of not being satisfied with the outcome of this order.
9. With the above order this 2<sup>nd</sup> 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/DBR.3/2021**

**Dated: 15-03-2021**

Copy to:

1. The SPIO, O/o the Assam Tea Employees Provident Fund Organisation, Nidhi Bhawan, Basistha, Lalmati, N.H.37, Guwahati, PIN Code-781029, Assam, for information and necessary action.
2. First Appellate Authority/ Assam Tea Employees Provident Fund Organisation, Nidhi Bhawan, Basistha, Lalmati, N.H.37, Guwahati, PIN Code-781029 Assam, for information.
3. The petitioner, Shri Sanjeeb Kumar Chakravarty, M/s Bochapathar Tea Estate Pvt. Ltd., P.N. Road, Dibrugarh, Assam, PIN Code. 786001, for information.
4. Computer section for uploading in the website.
5. Office File.
6. Order Book.

Secretary & Registrar  
Assam Information Commission.