

Case No. : SIC/KP(M)27/2022
Complainant/ Appellant : Sri Joydeb Das
Respondent : SPIO, Personnel (A) Department, Govt. of Assam,
Dispur, Guwahati
Date of Hearing : 24/05/2022
Complaint/ Second : Dr. A.P.Rout,
Appeal heard by : State Chief Information Commissioner, Assam

O R D E R**24/05/2022**

1. In continuation of earlier order dated 21.2.2022, the matter was taken up for hearing.
2. The petitioner Sri Joydeb Das is present.
3. The Public Authority is represented by Dharani Dhar Das, SPIO & Dy. Secretary, Personnel (A) Department, Dispur.
4. The SPIO had submitted a written statement dated 19.5.2022 which is taken into records.
5. The Commission asked the petitioner on the issue of larger public interest in seeking information, the petitioner intimated that he has strong belief and ground that the caste certificate submitted by the officer is fake and the person being a senior government servant is serving on the basis of the fake certificate and lowers the status of the office in the eyes of public.
6. The Commission in quoting provision of the RTI Act, 2005 section 8(1)(j) which *quotes* **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.** *unquote*
7. And section 11 which *quotes* **Third party information.— (1) Where a Central Public Information Officer or the State Public Information Officer, as the case may be, intends to disclose any information or record, or part thereof on a request made under this Act, which relates to or has been supplied by a third party and has been treated as confidential by that third party, the Central Public Information Officer or State Public Information Officer, as the case may be, shall, within five days from the receipt of the request, give a written notice to such third party of the request and of the fact that the Central Public Information Officer or State Public Information Officer, as the case may be, intends to disclose the information or record, or part**

thereof, and invite the third party to make a submission in writing or orally, regarding whether the information should be disclosed, and such submission of the third party shall be kept in view while taking a decision about disclosure of information: Provided that except in the case of trade or commercial secrets protected by law, disclosure may be allowed if the public interest in disclosure outweighs in importance any possible harm or injury to the interests of such third party.

(2) Where a notice is served by the Central Public Information Officer or State Public Information Officer, as the case may be, under sub-section (1) to a third party in respect of any information or record or part thereof, the third party shall, within ten days from the date of receipt of such notice, be given the opportunity to make representation against the proposed disclosure.

(3) Notwithstanding anything contained in section 7, the Central Public Information Officer or State Public Information Officer, as the case may be, shall, within forty days after receipt of the request under section 6, if the third party has been given an opportunity to make representation under sub-section (2), make a decision as to whether or not to disclose the information or record or part thereof and give in writing the notice of his decision to the third party.

(4) A notice given under sub-section (3) shall include a statement that the third party to whom the notice is given is entitled to prefer an appeal under section 19 against the decision *Unquote*.

8. In light of the above, the Commission in quoting the above provision of RTI Act, 2005 section 8(1)(j) and section 11 directs the SPIO to apply the provision of above sections to take a decision and come up with a written statement on the next date of hearing.

9. Fix 14.6.2022 at 11:30 AM as the next date of hearing.

Authenticated copies to be given to all concerned.

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

Authenticated true copy.

Sd/-
Registrar
Assam Information Commission

Memo No. SIC/KP(M)27/2022

Dtd. 24.5.2022

Copy to:

1. The SPIO, Personnel (A) Department, Dispur, Guwahati 06 for information and necessary action. He is to remain present on the next date of hearing as ordered above.
2. The petitioner Sri Joydeb Das, S/O Lt. Karunamoy Das, H.No.16, Kushal Konwar Road, Near Mayur Krishna Cinema Hall, Ambari Fatashil, Guwahati 25 for information. He is to remain present on the next date of hearing.
3. Computer Section for uploading in the Website.
4. Office File.
5. Order Book.

Registrar
Assam Information Commission