

OFFICE OF THE
ASSAM STATE INFORMATION COMMISSION
JONAKEE COMPLEX, PANJABARI, GUWAHATI-39

Complaint Case No: BPT.96/2013

Complainant : Sri Krishna Kanta Deka

Public Authority: Deputy commissioner, Barpeta Dist.

Heard by: Shri Himangshu Sekhar Das,
Assam State Chief Information Commr.

Complainant was Represented by: 1. Sri Krishna Kanta Deka
2. Debabrat Konwar, Advocate

Public Authority was represented by 1. Sri Jayanta Kr. Saharia, APO, Deputy
Commissioner's Office, Barpeta.
2. Shri Atul Ch. Bhuyan, APO, office of the District
Elementary Education Officer, Barpeta

O R D E R
6.4.2015

The petitioner Shri Krishna Kanta Deka is present. Shri Deka sought permission in writing to engage the services of Advocate Shri Debabrat Konwar to assist him in today's hearing. His prayer is granted. The Public Authority is represented by Shri Jayanta Kumar Saharia, APO, office of the Deputy Commissioner, Barpeta, representing the first appellate authority as authorised by the Deputy Commissioner, Barpeta vide his letter dtd 4.4.2015. Shri Atul Ch. Bhuyan, APO in the office of the District Elementary Education Officer, Barpeta is also present as authorised by the DEEO, Barpeta, Shri M.C. Deka vide his letter dtd 4.4.15. The District Elementary Education Officer made a written statement dtd 6.4.15, which is entered into the case record and the authorisation letters of Deputy Commissioner, Barpeta and the District Elementary Education Officer, Barpeta are also entered into the case records. The second appeal petition dtd 13.12.13 is taken up for hearing in presence of both the parties.

The original RTI application dtd 26.8.13 was addressed to the Deputy Commissioner, Barpeta. In course of today's hearing, the appellant admitted that the Dakshin Bilisipara Girls' L.P. School, in respect of which he wanted some information was a venture school till it was provincialised by an order dtd. May, 2014 with

retrospective effect from 1.1.13. The original RTI application dtd 26.8.13 was prior to the date of the provincialisation order. Since venture schools are run purely on private capacity, they do not fall within the ambit of RTI Act, 2005. The Commission, therefore, gives the option to the applicant Shri Krishna Kanta Deka to file a separate RTI application before the concerned Public authority, namely the Block Elementary Education Officer, Gobordhana Elementary Education Block, Dist. Barpeta.

With the above order the second appeal petition is disposed of.

(H. S. Das)
Assam State Chief Information Commissioner,
Panjabari, Guwahati

Authenticated true copy.

Secretary & Registrar
Assam State Information Commn.

Memo No. BPT.96/2013/

Dtd. 06.4.2015

Copy to:

1. The Deputy Commissioner, Barpeta for information.
2. The District Elementary Education Officer, Barpeta for information
3. Sri Krishna Kanta Deka, Vill- gomura, PO- Bahataguri, dist. Barpeta, Assam PIN- 781318 for information.
4. Computer Section for uploading in the Website.
5. Office File.

Secretary & Registrar
Assam State Information Commission