

**OFFICE OF THE
ASSAM STATE INFORMATION COMMISSION
JONAKEE COMPLEX, PANJABARI, GUWAHATI-781 037**

Case No. : GLP.33/2011

Complainant/ appellant : Md. Abdur Rashid Khan

Respondent : BEEO, Lakhipur, Goalpara

Date of hearing : 19.5.2015

Complaint/ Second : Shri H.S. Das, IAS (Retd)
appeal heard by Chief Information Commissioner, Assam

O R D E R
19.5.2015

The petitioner Md. Abdur Rashid Khan is present. The Public Authority is represented by Shri U.C. Das, Director, Elementary Education accompanied by (i) Shri Khagen Deka, Statistical Assistant in the office of the DEE and (ii) Shri Dhaneswar Roy, i/c BEEO, Lakhipur, Goalpara. The complaint petition is taken up for hearing in presence of both the parties.

Shri Dhaneswar Roy, i/c BEEO, Lakhipur and DEO, Goalpara submitted that he has been in charge of the Lakhipur Education Block since September, 2014. The pending order of this Commission dtd 9.12.13 and the earlier orders dtd 19.8.13, dtd 25.6.12 and order dtd 12.6.13 were not brought to his notice by his office. On receipt of this Commission's notice dtd 5.5.15 he has compiled the information as sought for by the petitioner and handed it over to the petitioner in presence of the Commission today. Shri Dhaneswar Roy also made a written submission dtd 18.5.2015 which is entered into the case records. In his written submission he has stated that on 12.4.12 Shri Abdur Rashid Khan was already given the information sought for except those relating to Md. Fakirchand Khan and Md. Zalal Uddin. The Commission also notes that in its earlier order dtd 25.6.12, the petitioner Md. Abdur Rashid Khan was directed to submit fresh application for obtaining information relating to Md. Zalal Uddin. Therefore, the complaint in respect of Zalal Uddin shall not be entertained by the Commission.

The Commission also notes that Salbari ME Madrassa School is a venture school which receives monthly financial aid of Rs. 4000.00 from time to time, which is also not regular. Therefore, the Commission is of the view that the school set up and managed at public initiative cannot be deemed to be owned, controlled or substantially financed by the Government or any Public Authority under it.

However, to remove any doubt whether venture schools in receipt of financial aid from the Government from time to time will fall within the ambit of RTI Act, 2005, the Elementary Education Department, Govt. of Assam is directed to clarify whether such venture schools are owned or controlled or substantially financed by the Govt., indicating the extent of Govt. funding and the Govt. rules, regulation and policy, if any, in this regard.

The Director, Elementary Education, Assam furnished a copy of his letter dtd 12.5.15 recommending drawal of Departmental Proceeding against the then BEEO, Lakhipur, Goalpara. Copy of this communication is entered into the case records. Commissioner and Secretary, Education is directed to inform the Commission about action taken on this within 30 (thirty) days from the date of receipt of this order.

Regarding compliance of this Commission's order dtd 9th December, 2013 for drawal of DP against the SPIO in the office of the BEEO, Lakhipur, the Commission will take further decision after receipt of clarification from the Education Department whether such venture schools will come within the ambit of RTI Act, 2005, and on receipt of his action taken report on the recommended D.P. as above.

The Education Department is directed to furnish the clarification u/s 19(8)(a) of the RTI Act, 2005 within 30 (thirty) days from the date of receipt of this order.

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

Authenticated true copy.

Secretary & Registrar
Assam State Information Commission

Memo No.GLP.33/2011/

Dtd. 19.5.2015

Copy to:

1. The Additional Chief Secretary, Govt. of Assam, Education Department, Dispur for information and necessary action.
2. The Commissioner & Secretary, Govt. of Assam, Elementary Education Department, Dispur for information and necessary action.
3. The Director, Elementary Education, Assam, Kahilipara, Guwhati for information and necessary action.
4. The DI of Schools, Goalpara & i/c BEEO, Lakhipur, Goalpara for information and necessary action.
5. Md. Abdur Rashid Khan, Vill- Gunaipani, PO- Cherikuti Bazar, Dist. Dhubri, Assam, PIN-783330 for information.
6. Computer Section for uploading in the Website.
7. Office File.

Secretary & Registrar
Assam State Information Commission