



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

Case No. : DBR.26/2012
Complainant/ appellant : Md. Raiyan Zubery
Respondent : Jamiul Uloom Madrassa, Dibrugarh

O R D E R
11.9.2015

Seen the earlier order of this Commission dtd 28.11.13 directing the Principal/ Muhtamin of Assam Jamiul Uloom Madrassa, Dibrugarh to furnish the required information to the RTI applicant Md. Raiyan Zubery free of cost within 20 days from the date of receipt of the order in response to his RTI application dtd 12.3.12. Following this order the Principal of the Said madrassa submitted the detailed petition praying for recalling of the earlier order dtd 28.11.13 of this Commission and to pass further appropriate order. The main contention of the respondent is that: - (a) The madrassa, which was established in 1903 was registered under Society's Act in the year 1955 with the objective of imparting religious education to the children and has been running ever since with donations from the members of the public, (b) Although the madrassa received a grant of Rs. 43 lakhs from the Government, it is not dependent on the said grant for running of the institution. It has been self sustained since inception, (c) The institution was established at the initiative of members of the community. It is a private institution, and (d) In view of (a), (b) and (c), it should not be deemed to be a Public Authority.

Secretary and Registrar of the Commission vide its letter dtd 21.7.15 wrote to the Principal of the said madrassa requesting him to furnish a statement of income/ receipt and expenditure of the institution, both under revenue and capital heads, for the last three accounting years. The Principal of the madrassa furnished the said information vide his letter dtd 17.8.15 to the Secretary & Registrar of the Commission.

From perusal of the accounts of the madrassa for the period from 5.7.12 to 18.5.15, it is seen that for day to day running of the madrassa it is not at all dependent on Government funding. In other words all the expenditure of the madrass is met by its own income from various non-governmental sources like Ramdan collection, rent, donations, etc. The principal further mentioned that the Govt. grant of Rs. 43 lakhs, which was one time grant, was used for construction of the new building of the madrassa.

From perusal of the above mentioned accounts and records, the Commission is convinced that the Assam Jamiul Uloom Madrassa, Dibrugarh has been running since its inception without any financial support from the Govt. and entirely on the strength of public donations and its own income from various sources. The Commission is also of the view that the madrassa would have continued its functioning smoothly even without the Government grant of Rs. 43 lakhs which was given for construction of new building. In reconsideration of its earlier order dtd 28.11.13 the Commission upholds the submission of the Principal of the Assam Jamiul Uloom Madrassa, Dibrugarh and comes to the final conclusion that the said madrassa cannot be deemed to be a Public authority and cannot, therefore, be brought under the purview of the RTI Act, 2005. The Commission's earlier order dtd 28.11.13 stands corrected to that extent.

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

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

Authenticated true copy.

Sd/-
Secretary & Registrar
Assam State Information Commission

Memo No. DBR.26/2012/

Dtd. 11.9.2015

Copy to:

1. The Principal/ Muhtamin, Assam Jamiul Uloom Madrassa, Dibrugarh, Assam, PIN -786 001 for information.
2. Md. Raiyan Zubery, Mirzabagh, PO- Dibrugarh, Dist. Dibrugarh, Assam, PIN- 786 001 for information.
3. Computer Section for uploading in the Website.
4. Office File.

Secretary & Registrar
Assam State Information Commission