



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

Case No. : SIC/DHR.113/2013
Appellant : Ms. Jaya Sarkar
Respondent : The SPIO, O/o the Inspector of Schools, Dhubri
Date of hearing : 18.03.2016
Second Appeal heard by : Shri Pinuel Basumatary,
State Information Commissioner, Assam

O R D E R
18.03.2016

The Principal, S.P. English Medium High School, Dhubri who was notified of the hearing is represented by Advocates (1) Md. Masud Akhtar Zaman, (2) Md. Aftab Uddin Ahmed.

Written Statement dated 15.03.2016 received from Inspector of Schools, Dhubri. Written Statement received from the school authorities dated 04.03.2016. Written Statement dated 16.03.2016 also received from the Appellant. The Appellant has submitted that she was yet to receive the information she had sought for.

However, the Commission has decided to go ahead with the hearing based on the Written Statements.

Perused the W/S received from the Inspector of Schools, Dhubri. It has been submitted that on receipt of the RTI Application dated 02.08.2013, the same was transferred to the Principal of the above mentioned school for directly furnishing the information. It has further been submitted that order could not be passed by the FAA on First Appeal as both the parties did not attend the hearing on the appointed day and informed the Commission through letter dated 07.11.2013.

Perused the W/S dated 04.03.2016 submitted by the school authorities. It has been submitted that the school is a private one receiving no government funding. Heard the representatives who submitted that the school has not approached any Public/Government Authorities for any financial assistance from any scheme and that the institution did not come under the purview of the RTI Act, 2005.

In her Second Appeal, the Appellant has not provided any evidence of the said institution being an public institution that would be covered by the definition of Public Authority under Section 2 (h) of the RTI Act, 2005 except to said that the bylaws of the school requires to follow all the “rules and orders” of the Education Department.

In view of the facts brought out above, the Commission concludes that the institution in question does not come under the purview of the RTI Act, 2005 and is therefore, not obliged to provide information to the Applicant for information under the said Act.

With this, the Second Appeal Petition is dismissed.

Sd/-

Pinuel Basumatary
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Sd/-
Deputy Registrar
Assam Information Commission

Copy to:

1. The Principal, S.P. English Medium High School, P.M. Dutta Road, W/No.- 2, P.O.- Dhubri, Dist- Dhubri, Assam, Pin-783301 for information.
2. The SPIO, Office of the Inspector of Schools, Dhubri District Circle, Dhubri, P.O.- Dhubri, Dist- Dhubri, Pin- 783301 for information.
3. Ms. Jaya Sarkar, C/o- Lt. Kartick Ch. Sarkar, R.K. Mission Road, W/No.- 15, Dhubri, P.O.- Bidyapara, Dist- Dhubri, Assam, Pin-783301 for information.
4. Computer Section for uploading in the Website.
5. Office File.

Deputy Registrar
Assam Information Commission