



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

Case No. : SIC/DHR.117/2013
Appellant : Shri Alek Chand
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 who was notified by the Commission's aforementioned hearing notice as First Appellate Authority. Written Statement also received from the school authorities dated 04.03.2016.

Written Statement dated 17.03.2016 received from the Appellant. The Appellant has submitted that he was yet to receive the information he had sought for and requested for refixing a date of hearing owing to his professional preoccupation.

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 20.08.2013, the same was transferred to the Principal of the above mentioned school for directly furnishing the information. Further it has referred to the aforementioned order of Inspector of Schools, Dhubri.

Perused the case record. It is seen that the FAA/Inspector of Schools, DDC, Dhubri had passed an order requiring the Principal of S.P. English Medium High School to comply with the order of the D.C., Dhubri. On the same date the said Principal had submitted a letter to the Inspector of Schools, Dhubri that her school was a private institution and that it might not come under the RTI Act, 2005. It is seen from the copy of the said D.C.'s order that it was self contradictory in that while it directed the Principal to furnish the required information to the Petitioner within the stipulated time, it is stated that the institution did not come under the purview of the Section 2 (h) of the RTI Act, 2005.

Perused the W/S dated 04.03.2016 submitted by the school authorities. The school authorities have submitted that the private school received no government funding. Heard the representatives. It was submitted that the school has not even approached any public/government authorities for any financial assistance from any scheme and contended that the institution did not come under the purview of the said Act.

In his Second Appeal, the Appellant has not provide any evidence to establish that the said institution was 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

Memo No. SIC/DHR.117/2013/ -A

Dtd. 17.03.2016

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. Shri Alek Chand, Advocate, Dhubri Bar Association, P.O.- Dhubri, Dist- Dhubri, Assam, Pin- 783301 for information.
4. Computer Section for uploading in the Website.
5. Office File.

Deputy Registrar
Assam Information Commission