



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

Case No. : SIC/BPT.44/2016
Appellant : Md. Makbul Hussain Khan
Respondent : The SPIO, O/o the Directorate of Higher Education, Assam
Date of hearing : 02.06.2016
Second Appeal heard by : Shri Pinuel Basumatary,
State Information Commissioner, Assam

O R D E R
02.06.2016

The Public Authority is represented by Smti. Chinmoyee Talukdar, SPIO/Dy. Director, Directorate of Higher Education, Assam along with her Assistant Sri Nanda Ram Das. A Written Statement dated 01.06.2016 received from the SPIO which is taken on the case record.

The Appellant present.

Perused the W/S. It has been submitted that the college regarding which the information had been sought is not under the control of the Directorate of Higher Education and therefore, the information sought for could not be provided, and that this position has been explained to the Appellant through a letter dated 28.01.2016.

Heard the SPIO. She submitted that the college in question *i.e.* Rajgarh College, Simaluguri, District Lakhimpur is a venture college and therefore, was not subject to the RTI Act, 2005.

Heard the Appellant. He too submitted that the institution in question was a venture one without government funding.

As the management of the institution on which the information had been sought by the Appellant does not constitute a Public Authority as defined by Section 2 (h) of the RTI Act, 2005, they are not obliged to provide the information sought under the said Act and the instant SPIO is not in a position to provide the information to the Appellant.

In view of the above, the Second Appeal Petition is hereby dismissed.

Sd/-

Pinuel Basumatary
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Sd/-

Deputy Registrar
Assam Information Commission

Memo No. SIC/BPT.44/2016/ 11-A

Dtd. 02.06.2016

Copy to:

1. The SPIO, office of the Directorate of Higher Education, Assam, Kahilipara, Guwahati- 781019 for information.
2. The First Appellate Authority/Director of Higher Education, Assam, Kahilipara, Guwahati- 781019 for information
3. Md. Makbul Hussain Khan, Vill & P.O.- Balikuri, Dist- Barpeta, Assam, Pin-781319 for information.
4. Computer Section for uploading in the Website.
5. Office File.

Deputy Registrar
Assam Information Commission