



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

Case No. : SIC/DHR.76/2014
Appellant : Md. Abidur Rahman Sarkar.
Respondent : The Principal, Dhubri Law College, Dhubri
Date of hearing : 28.07.2016
Second Appeal heard by : Shri Pinuel Basumatary,
State Information Commissioner, Assam

O R D E R
28.07.2016

The Appellant is represented by Sri Abdul Kuddus, Advocate. The College authority is represented by Sri Taufiqul Islam, Principal *i/c*, Sri Dipankar Sarkar, Vice Principal and two Advocates, namely, Sri Harmohan Das and Sri Murari Mohan Deka. Written Statements both dated 28.07.2016 from the Appellant and the Principal *i/c*, Dhubri Law College respectively.

Perused the case record. It is seen that the Appellant had filed his RTI Application dated 04.07.2014 seeking certain information under the RTI Act, 2005 relating to Dhubri Law College, Dhubri, Assam. Having received no information from the college authorities, the Appellant filed his First Appeal dated 16.08.2014 and thereafter, having received no response from the First Appellate Authority he filed the Second Appeal Petition dated 15.11.2014 before the Commission. The Commission heard the Second Appeal and passed an order on 07.06.2016. In the hearing, the Appellant was absent whereas the representative of the FAA and Advocate on behalf of the Principal of the college were present. The FAA had submitted that in response to the First Appeal the Principal of the college had been directed to provide the information. The representative of the Principal of the said college had sought time for submitting a written statement and therefore, today's hearing was scheduled and notified.

Perused the Written Statement and heard the representative of the Appellant. It has been submitted that the institution in question did receive financial assistance from the government and has enclosed two sanction letters amounting to Rs.4,60,000/- and 5,00,000/- dated 24.04.2012 and dated 14.05.2015 respectively. He has also submitted that the Central Information Commission had passed an order dated 07.07.2014 in a similar case to the effect that the CPIO should furnish the information sought for by the Appellant as is accessible to him under rules/agreement.

Perused the Written Statement of the Principal *i/c* of the College and heard him and the Advocates representing him. It has been submitted that the college authorities did not constitute a Public Authority as defined by the Act U/S 2 (h) as the institution was a non-government one and not substantially financed, and it was run from the fees collected from students. The W/S refers to an order of the Hon'ble High Court in respect of a Writ Petition filed by the institution challenging an order of a Public Authority to provide information to an RTI Applicant under the Act. In the said order, the Hon'ble High Court directed the Public Authority not to execute its order considering that the college was not financed by the government. A copy of the said order of the Hon'ble High Court has been submitted along with the W/S.

Considering the facts brought out above, the Commission hereby accepts the plea of the said college authorities and observes that the college authorities do not constitute a Public Authority for the purpose of providing information to the Applicants under the Act and therefore,

the college authorities are not required to furnish the information sought for by the Appellant through his Application dated 04.07.2014. However, the Commission observes that a citizen is entitled to seek information relating to financial assistance that may have been received by the institution from the government through the appropriate SPIO, namely, the SPIO in the Public Authority who has granted such financial assistance from the government to institution.

With this, the Second Appeal Petition is dismissed as not maintainable under the RTI Act, 2005.

Sd/-

Pinuel Basumatary
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Sd/-

Deputy Registrar
Assam Information Commission

Memo No. SIC/DHR.76/2014/ -A

Dtd. 28.07.2016

Copy to:

1. The Principal, Dhubri Law College, Dubri, Dist- Dhubri, Assam information.
2. The First Appellate Authority/Director of Higher Education, Assam, Kahilipara, Guwahati, Pin- 781019 for information.
3. Md. Abidur Rahman Sarkar, C/o- Dhubri Bar Association, Dhubri, P.O.-Dhubri, Dist- Dhubri, Assam for information.
4. Computer Section for uploading in the Website.
5. Office File.

Deputy Registrar

Assam Information Commission