

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

Case No. : MRN.1/2015  
Complainant/ appellant : Shri Sangram Sing Chouhan  
Respondent : Principal, Bhuragaon College, Morigaon  
Date of hearing : 15.10.2016  
Complaint/ Second : Shri H.S. Das, IAS ( Retd)  
Appeal heard by : Chief Information Commissioner, Assam

**O R D E R**  
15.10.2016

The public authority to be represented by the Principal of Bhuragaon College, Morigaon is absent. He has, however, sent a written submission dated 13.10.16, which is entered into the case records.

The petitioner Shri Sangram Sing Chouhan is present accompanied by Smt. Suchitra Das Choudhury, Advocate. The Advocate made a written prayer stating that the pending appeal case No. SIC/MRN/4/2016, where Shri Pandalar Chouhan is the applicant and appeal Case No. SIC/MRN/7/2015 where Shri Ram Sing Chouhan as the applicant are also on the same subject matter involving the same public authority namely the Principal of Bhuragaon College, Morigaon. She made a written prayer to club all the three cases and hear them together. Her prayer is granted and the three cases are taken up for hearing ex parte in absence of the public authority.

The Principal, Bongaon College in his written submission referred to order dated 27.6.2016 by Shri Pinuel Basumatary, SIC, Assam declaring that Bhuragaon College being a venture college is not a public authority as defined u/s 2(h) of the RTI Act, 2005. The learned SIC Shri Pinuel Basumatary made a similar order on 27.6.16 in case No. SIC/MN.16/2014. Shri R.S. Chouhan and Shri S S Chouhan were the respective petitioners in the above two cases.

The Principal of Bhuragaon College has also mentioned in his written submission on 13.10.16 that the Bhuragaon College, being a venture educational institution established by a resolution passed by the local people, is not a public authority u/s 2 (h) of the RTI Act, 2005, and therefore, he is not liable to give information to the information seekers under the RTI Act, 2005.

The learned advocate appearing on behalf of the petitioners deposed that Bhuragaon College, Morigaon has been receiving financial assistance from the Government from time to time and that the college is substantially dependent on financial assistance from the Govt. She is contending that in view of the large amount of financial assistance received by the Bhuragaon College, it be deemed to be public authority u/s 2 (h) (ii). She produced a few documents in support of her argument that Bhuragaon College has received several lakhs of rupees as financial assistance from the Government since 2012. After going through the :- (a) written submission dated 13.10.16 of Principal of Bhuragaon College, (b) Earlier order dated 27.6.2016 passed by the learned SIC, Assam, Shri Pinuel Basumatary as mentioned above, (c) Letter No. DHE/RTI/215/2015/152 dated 13.7.15 addressed to Shri Anmol Sing Chouhan informing him that Bhuragaon College is not provincialised and it was not in receipt of financial assistance during 2014-2015, and (d) letter No. GU/RTI/Exam/2015/84 dated 30.9.2015 from the Controller of Examinations, Gauhati University to Shri Sangram Sing Choudhan informing him that the Bhuragaon College has been granted permission to start different courses from time to time.

After careful consideration of the materials, records and submissions made by both the parties before this Commission, this Commission is of the view that two issues need to be resolved before it can pass any definite order regarding disclosure of informations to the petitioners by the Principal of Bhuragaon College, Morigaon. The two issues are :- (1) whether the Bhuragaon College is substantially funded by the appropriate Government. To determine this it will be necessary to examine the year-wise expenditure incurred by the college and financial assistance received by the college from different layers of Government and their agencies at least for the last five years, and (2) whether the college falls within the purview of the Assam Non-Government Educational Institutions (Regulation and Management) Act, 2006.

To ascertain the correct position with respect to (a) and (b) above, it will be necessary to hear the principal of Bhuragaon College, (b) The Director of Higher Education, Govt. of Assam and (c) The SPIO of Gauhati University.

The Principal, Bhuragaon, Morigaon is directed to appear on the next date of hearing and file an affidavit enclosing the details of expenditure incurred by the college and financial assistance received by the College from different layers of Government and their agencies during the last five financial years. The Principal is also directed to mention in his affidavit, other sources of funding year-wise for the last five financial years.

The SPIO of Gauhati University is directed to file a written affidavit on or before the next date of hearing mentioning the extent of control exercised by the University under the Gauhati University Act and any other law for the time being enforced over Bongaon College.

The Director of Higher Education, Assam is also directed to file his written affidavit on or before the next date of hearing indicating clearly whether Bhuragaon College, Morigaon falls within the purview of Assam Non-Government Educational Institution (Regulation and Management) Act, 2006.

**Fix 12.30 PM on 15.11.2016 for next date of hearing.**

Sd/-

(H. S. Das)  
Chief Information Commissioner, Assam  
Panjabari, Guwahati

Authenticated true copy.

Sd/-

Registrar  
Assam Information Commission

Memo No. SIC/ MRN.1/2015/31-A

Dtd. 15.10.2016

Copy to: 1. The Principal, Bhuragaon College, Morigaon, Assam for information and necessary action.  
2. The SPIO of Gauhati University, Assam, Jalukbari, Guwahati for information and necessary action.  
3. The Director of Higher Education, Govt. of Assam, Kahilipara, Guwahati-19 for information and necessary action.  
4. Shri Sangram Singh Chouhan, PO& Vill- Bhuragaon, Dist. Morigaon, Assam, PIN- 782121 for information.  
5. Shri Pandalal Choudhan, Vill- Bhimorali, PO- padumpukhuri, dist. Morigaon, Assam, PIN- 782435 for information.  
6. Shri Ram Singh Chouhan, PO & Vill- Bhuragaon, Dist. Morigaon, Assam, PIN- 782121 for information.  
7. Computer Section for uploading in the Website.  
8. Office File.  
9 Order Book

Registrar  
Assam Information Commission