

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

Case No. : SIC/NGN.77/2016
Appellant : Md. Inamul Huda
Respondent : The SPIO, O/o the Inspector of Schools, Nagaon
Date of hearing : 22.11.2016
Second Appeal heard by : Shri Pinuel Basumatary,
State Information Commissioner, Assam

O R D E R
22.11.2016

The SPIO absent but has submitted a Written Statement dated 03.11.2016.

The Appellant, Md. Inamul Huda is present.

Perused the case record. It is seen that the Appellant had sought information relating to private educational institutions with reference to the Assam Non-Government Educational Institution (Regulatory and Management) Act, 2006. He submitted that out of a total 287 private educational institutions, he had received information from 13. After he failed to receive the information from the SPIO inspite of extending of time and personal meetings, he filed First Appeal dated 23.11.2015. The First Appellate Authority/Inspector of Schools, Nagaon heard the Appellant and passed an order dated 16.12.2015 stating that the authorities of the private educational institutions would furnish the information within 10 days, free of cost to the Appellant.

The Appellant submitted that he had not received the information from the remaining institutions inspite of the FAA's order.

In this connection, the Commission observes that the management of the private educational institutions receiving no government financial assistance did not constitute Public Authority as defined by the RTI Act, 2005 and are, therefore, not obliged to furnish information directly to information seekers under the said Act. However, the Public Authorities who have regulatory role under any applicable law could access information and provide the same to the RTI Applicant. Thus, the Public Authority in the instant case, has not followed appropriate procedure. The FAA/Inspector of Schools, Nagaon District Circle, erred in deciding/ordering that the authorities of the private institutions would furnish the information to the Appellant.

In view of the facts brought out above, the Commission hereby orders that the SPIO, O/o the Inspector of Schools, Nagaon, District Circle, Nagaon shall obtain such information as legally concerned by the said Act namely the Assam Non-Government Educational Institutions (Regulatory and Management) Act, 2006 or any other laws/rules and provide the same to the Appellant in respect of the information relating to the remaining institutions, free of cost, within 21 days of receipt of this order.

The Second Appeal is hereby disposed of.

Sd/-
Pinuel Basumatary
State Information Commissioner, Assam
Panjabari, Guwahati

Sd/-
Dy. Registrar
Assam State Information Commission

Copy to:

1. The SPIO, O/o the Inspector of Schools, Nagaon, Assam for information and necessary action.
2. The First Appellate Authority/Inspector of Schools, Nagaon, Assam for information.
3. The Appellant, Md. Inamul Huda, Advocate, 1st Floor, Nagaon Bar Association, Nagaon-782 001, Assam for information.
4. Computer Section for uploading in the Website.
5. Office File.

Dy. Registrar
Assam State Information Commission