

ASSAM STATE INFORMATION COMMISSION**JONAKKEE COMPLEX, SHILPGRAM ROAD, PANJABARI, GUWAHATI- 781037**Phone : (0361) 2332704, 2337900, 2331193 :: Fax : 2332704 :: email : secretary.sicassam@gmail.com

Case No. : MRN 1 /2015
Complainant/ Appellant : Sri Sangram Sing Chauhan
Respondent : Deputy Registrar, Gauhati University
Date of Hearing : 15-2-2017
Complaint/ Second : Shri H. S. Das, IAS (Retd)
appeal heard by : State Chief Information Commissioner, Assam

O R D E R
15-2-2017

1. The petitioners (1) Sri Sangram Sing Chauhan, (2) Sri Ram Sing Chauhan, and (3) Panda Lal Chauhan are present along with their Advocate Smti Suchitra Das Choudhury. The Bhuragaon College is represented by (1) Principal - Sri Kandarpa Saikia, and (2) Sri Prasanta Hazarika, Assistant Professor, Department of Economics.

2. The second appeal petition dated 19-6-2015 is taken up for further hearing in pursuance of this Commission's earlier orders dated 14-9-2016, 15-10-2016 and 15-11-2016.

3. The Principal of Bhuragaon College also filed a sworn in Affidavit dated 6th February, 2017 enclosing statement of accounts for the last five years which are entered into the case records. It is seen from the statement of accounts that the total expense for management of the College including salary and other Establishment cost, procurement of materials, purchase of library books, building construction and building repair and maintenance during the five year period from 1-1-2011 to 21-5-2015 was Rs. 91, 53,179/-. During the same period the College received financial assistance of Rs.29,28,000/- from Govt. of Assam, MLA's Local Area Development Fund – Rs. 2,21,100/- and Untied Fund Rs. 9,90,000/- - total Rs. 41,20,100/- i.e., 45% of the operational expenses mentioned above. This Commission is of the view that the Government fund through various channels constitute a substantial portion of the operational expenditure requirement of the College. It is, therefore, decided to treat the Bhuragaon College as a public authority under Section 2(h)(i) of the RTI Act, 2005.

4. The learned Advocate for the petitioners submitted a written statement stating that they will be satisfied if they are provided with the informations sought for by Sri Sangram Sing Chauhan vide his RTI petition dated 5-9-2014 and point No. 2 of the RTI petition dated 22-10-2014 filed by Sri Ram Sing Chauhan seeking information about the list of invigilators.

5. The Principal of Bhuragaon College made the following submissions with reference to the RTI petitions mentioned above :-

(A) RTI petition dated 5-9-2014

- (i) The reasons for dis-continuing the services of Sri Amol Sing Chauhan was communicated to him by Speed Post dated 29-11-2012 which was returned un-delivered on 1-12-2012.

This Commission directs the Principal, Bhuragaon College to hand over a copy of the relevant resolution of the Governing Body of the College,

dis-continuing the services of Sri Amol Sing Chouhan along with copies of complaints against him, show cause notice and other relevant papers.

- (ii) As regards point No. 2 relating to educational qualifications of teaching and non-teaching staffs of Bhuragaon College, the Principal of Bhuragaon College is directed to give the list of teaching and non teaching staff showing their names and educational qualifications as on 5-9-2014 i.e., the date of the RTI petition.

This Commission is of the view that the mark sheets and certificates of the teaching and non-teaching staff belong to the category of 3rd party informations which cannot be disclosed without their consent. The Principal of Bhuragaon College is, therefore, directed to follow the procedure as laid down under Section 11 of the RTI Act, 2005 and initiate necessary action by seeking the consent of the teaching and non-teaching staff for disclosure of their mark sheets and certificates.

- (iii) As regards the present status of the College, the position is already recorded at para No. 5 of this Commission's earlier order dated 15-10-2016. So, no further action is warranted on this.

- (iv) Regarding copy of detailed expenditure relating to MLA and MP Local Area fund received by the College from time to time since 2000, the Principal of Bhuragaon College submitted that he has no objection to furnish the audited expenditure reports as available with him

The Principal, Bhuragaon College is directed by this Commission to furnish copies of the audited expenditure reports available with him within 15 days from the date of receipt of this order and in case of non-availability of any reports, the petitioner will be informed about the reasons for non-availability.

(B) Dated 22-10-2014

As regards the list of invigilators the Principal of Bhuragaon College deposed that he will be able to provide information for the last three years. The Learned Advocate for the petitioners also submitted that they will be satisfied with it. This Commission accordingly directs the Principal, Bhuragaon College to furnish the information within 15 days from the date of receipt of this order.

6. All the above informations shall be sent by the Principal, Bhuragaon College to Sri Sangram Sing Chauhan, C/o Sri Singhason Chauhan, village and P.O Bhuragaon, Pin- 782 121, District- Morigaon, Assam by Registered A/D post within 15 days from the date of receipt of this order.

With the above order, the second appeal petition dated 19-6-2015 is disposed of.

Sd/-

(H. S. Das)
State Chief Information Commissioner,
Assam

Authenticated true copy

**Sd/-
Registrar
Assam Information Commission
Memo No SIC/ MRN.1/2015/ 73 -A**

Dated 15-2-2017

Copy to:.

- 1) Professor Sri Kandarpa Saikia, Bhuragaon College, Morigaon, for information..
- 2) Sri Sangram Sing Chauhan, C/O Lt. Singhasan Chauhan, Village- Bhuragaon, District- Morigaon, PIN-782121 for information .
- 3) Computer Section for uploading in the Website.
- 4) Office file.
- 5) Order Book.

**Registrar
Assam Information Commission**