



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

Case No. : SIC/NGN.90/2016  
Appellant : Shri Purna Chandra Barik  
Respondent : The SPIO, O/o the Principal, Nagaon Junior College, Nagaon  
Date of hearing : 23.02.2017  
Second Appeal heard by : Shri Pinuel Basumatary  
State Information Commissioner, Assam

**O R D E R**  
23.02.2017

Md. Baharul Islam, Principal, Nagaon Junior College, Nagaon is present along with an assistant. The Written Statements have been received from the SPIO, O/o the Joint Director of Secondary Education, Assam dated 24.01.2017 and from the SPIO, O/o the Principal, Nagaon Junior College, Nagaon dated 23.02.2017.

The Appellant, Shri Purna Chandra Barik is present.

From the deposition and the perusal of the W/Ss and the case record, it appears that the Appellant had sought for certain information from the Director, Secondary Education, Assam through his RTI Application dated 11.08.2015 relating to Nagaon Junior College, Nagaon. The said Application was transferred to the Inspector of Schools, Nagaon and by the latter to the Principal of the said College through a letter dated 28.10.2015. The Principal of the College furnished a reply to the Appellant through a letter dated 20.01.2016 expressing his inability to furnish the information sought for owing to an ongoing case in a court. However, significantly it emerged that the institution in question is a venture one having been set up in 2000. It has received financial assistance from Government in 2011 and 2012 only. Thus, the said Junior College is not substantially funded by the Government and its management therefore does not constitute a public authority. Consequently, it is not mandatory for the management of institution to provide information under the RTI Act, 2005 directly. The information relating to the institution can however be furnished by a relevant public authority who has an access to the information from the institution under any relevant laws that it administers.

The Commission observes that as the Nagaon Junior College, Nagaon is a venture Junior College, the Inspector of Schools, Nagaon erred in transferring the RTI Application to the Principal of the said College instead of securing the information sought for from the Principal of the said College and furnishing it to the Appellant.

The Commission determines that the views conveyed by the Principal of the said Junior College to the Appellant that the information sought for by him could not be furnished on account of some case is in court of law needs to be reviewed keeping in mind that, prima facie, furnishing the information sought for by the Appellant that relates to the Application to Government for registration of the said College, land documents etc. is not likely to prejudice the sub judice matter.

In view of the facts brought out above, the Commission hereby orders that the SPIO, O/o the Inspector of Schools, Nagaon shall furnish the information sought for by the Appellant, if necessary by obtaining it from the said Junior College, free of cost, within 15 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 for information and necessary action.
2. The SPIO, O/o the Nagaon Junior College, Nagaon for information and necessary action.
3. The First Appellate Authority/Director, Secondary Education, Assam, Guwahati for information.
4. Shri Purna Chandra Barik, M.G. Road, Near Urban School, Nagaon- 782 001, Assam for information.
5. Computer Section for uploading in the Website.
6. Office File.

Dy. Registrar  
Assam State Information Commission