



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

Case No. : SIC/NGN.74/2016
Appellant : Md. Inamul Huda
Respondent : 1.The SPIO, O/o the Inspector of Schools, Nagaon and
2. The SPIO, O/o the DC, 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, O/o the DC, Nagaon absent but has submitted a Written Statement dated 17.11.2016. The SPIO, O/o the Inspector of Schools, Nagaon District Circle has submitted a Written Statement dated 03.11.2016.

The Appellant, Md. Inamul Huda is present.

Heard the Appellant. He has submitted that he had not received the information in response to his RTI Application dated 24.06.2015 inspite of the order of the First Appellate Authority/DC, Nagaon dated 30.11.2015 for ADC (Education) and Inspector of Schools, Nagaon to furnish the information within 7 days.

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 (Regulation 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 time and personal meetings, he filed First Appeal dated 14.09.2015. The First Appellate Authority heard the Appeal and passed an order dated 30.11.2015 stating that the ADC (Education) and Inspector of Schools, Nagaon would furnish the information to the Appellant. The Appellant has prayed for facilitating furnishing of the information to him by the said ADC (Education) and the Inspector of Schools, Nagaon and impose the maximum penalty of Rs. 25000/- (Rupees twenty five thousand) on the defaulting SPIOs.

In this connection, the Commission observes that the management of the private educational institutions receiving no government financial assistance do 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 can access information and provide the same to the RTI Applicant.

Perused the brief Written Statements. The SPIO, O/o the DC, Nagaon has submitted that on its receipt, the RTI Application was transferred to ADC (Education) Nagaon, and that the DC, Nagaon as FAA was as mentioned above. The Inspector of Schools, Nagaon has submitted that the information was furnished through a letter dated 29.03.2016. A photocopy of the letter is enclosed with the Written Statement. However, no copy of the enclosures are enclosed with Written Statement.

The Appellant submitted that the part of the information he had received through the aforementioned letter of the Inspector of Schools, Nagaon did not pertain to the instant RTI Application and that the submission of the Inspector of Schools, Nagaon was misleading.

From the perusal of the said letter of the Inspector of Schools, Nagaon, the Commission observes that the same was written with a casual indifferent attitude with no proper references and information.

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 he legally can under the said Act namely the Assam Non-Government Educational Institutions (Regulation and Management) Act, 2006 or any other applicable 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.

Further, attention of the SPIO, O/o the DC, Nagaon is drawn again, as it has been done in the many other Second Appeal cases, that the RTI Act, 2005 does not provide for transfer of an RTI Application to another official in the same office/Public Authority. It is the responsibility of the SPIO to gather the information, by seeking assistance U/S 5(4) of the said Act, if necessary, and furnish the same to the RTI Applicant. The SPIO, O/o the DC, Nagaon is therefore directed to comply with the procedure laid down by the said Act.

The Second Appeal is hereby disposed of.

Sd/-

Pinuel Basumatary
State Information Commissioner, Assam
Panjabari, Guwahati

Sd/-

Dy. Registrar
Assam State Information Commission

Memo No. SIC/NGN.74/2016

Dtd. 22.11.2016

Copy to:

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

Dy. Registrar
Assam State Information Commission