

Case No. : SIC/CCR. 2/2018
Appellant : Sri Mihiresh Das
Respondent : The SPIO, Office of the Deputy Commissioner, Cachar,
P.O. Silchar, Dist. Cachar, Assam
Non Compliance petition : 4-2-2019
Second Appeal heard by : Nilufer Alam Hazarika, IAS(Retd.)
State Information Commissioner, Assam

O R D E R**28-2-2019**

Seen the complaint petition of Sri Mihiresh Das dt. 4th February, 2019 alleging that no information had been received from the Headmaster of the Collegiate School, Silchar as directed by the Commission dt. 7-12-2018.

On perusal of records it is seen that the Head Master, Silchar Collegiate School, Smt. Mandira Das Gupta has submitted a written statement dt. 1-2-2019 that she is unable to provide the information as there is no designated post of PIO in the School of Silchar Collegiate School.

It appears that the Silchar Collegiate School is a private institution and as such the school cannot appoint PIO under Sec. 5 of the RTI Act, 2005. Therefore the school cannot be deemed to be a public authority as defined under Section 2(h) of the RTI Act, 2005.

However, Section 2(f) of the RTI Act, 2005 stipulates that *"Information means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force."*

This Commission, therefore, orders that in exercise of powers conferred under Sections 10 (xvii) and 10 (xviii) of The Assam Non Government Educational Institutions (Regulation and Management) Act, 2006, read with Section 2(1) of the RTI Act, 2005, **the concerned Directors of Education, Assam can access informations from any non-government educational institution coming within the ambit of The Assam Non-Government Educational Institution (Regulation and Management) Act, 2006 and falling within their respective jurisdictions, and to that extent such non-government private educational institutions also come within the purview of the RTI Act, 2005.**

The Commission, therefore, directs the petitioner to approach the Director, Secondary Education for information within 15 days from the date of receipt of this order and the Director, Secondary Education is directed to take action to furnish the admissible information to the petitioner in exercise of his powers under Section 10 (xvii) and 10 (xviii) of The Assam Non-Government Educational Institutions (Regulation & Management) Act, 2006 within 45 days from the date of receipt of this order.

With the above direction the 2nd Appeal petition dt. 25-11-2017 is disposed of.

Sd/-

(Nilufer Alam Hazarika, IAS(Retd.)
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy

Sd/-

Joint Registrar
Assam State Information Commission

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Memo No. SIC/CCR. 2/2018

Dtd. 21-2-2019

Copy to:

1. The SPIO & First Appellate Authority, Office of the Deputy Commissioner, Cachar, P.O. Silchar, Dist. Cachar, Assam for information and necessary action.
2. The SPIO & First Appellate Authority O/o the Headmaster & Secretary of the Collegiate School, Silchar for information and necessary action as ordered.
3. The Director, Office of the Secondary Education, Kahilipara, Guwahati for information and necessary action as ordered.
4. The Petitioner, Sri Mihresh Das, H/No. 23, W/No. 2, Krishnanagar Road, Malugram, P.O. Silchar, Dist. Cachar, Assam, Pin – 788002 for information and necessary action.
5. Computer Section for uploading in the Website.
6. Office File.



Joint Registrar,
Assam State Information Commission