



HIMACHAL PRADESH
PRIVATE EDUCATIONAL INSTITUTIONS REGULATORY
COMMISSION

MAJITHA HOUSE COMPLEX, SHIMLA-171002 (HP)
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No. HPPER/302/RTI-Regulation/2013-

433 to 448

Dated: 11/7/14.

From: Appellate Authority-cum- Chairperson,
HP-PERC, Shimla-171002

To

The Registrar,

~~All the Registrars~~
~~(PVT) University, H.P.,~~ "next Attached"

Subject: Orders.

Sir,

I am directed to refer to the orders passed by Hon'ble State Information Commissioner, State Information Commission, Majitha House, Shimla-171002 that the provisions of RTI act are applicable to all the Universities in Himachal Pradesh established under State legislature of Himachal Pradesh and are also required to appoint Public Information Officers and First Appellate Authorities under RTI Act. The copy of same is enclosed herewith for taking further necessary action in the matter under intimation to this office.

Thanking you.

Encl: As above

Yours faithfully,

ML on behalf

PIO-cum-Secretary 9/7/14

STATE INFORMATION COMMISSION HIMACHAL PRADESH, MAJITHA HOUSE, SHIMLA-2



Before: Sh. K.D. Batish, SIC

Date of Institution: 26.12.2013
Date of Decision: 05.03.2014

Complaint No. 0033/2013-14

Complainant: Sh. Pavit Garg, C-2, City Plaza, Opposite Dist. Court, Solan, H.P.

Absent

Versus

Respondent: The PIO-cum-Registrar, Sh. Sat Bhardwaj, Bahara University, Wagnaghat, Teh. Kandaghat, Dist. Solan, H.P.

Present

Whether the judgment is approved for reporting? *Yes*

ORDER

This is a complaint, filed by the complainant, under section 18 of the RTI Act on 26.12.2013. An RTI application was filed on 18.10.2013, wherein some information was sought by the complainant about one Sh. Chander Shekhar, Driver. On 23.11.2013, Registrar of the Bahra University informed the applicant that private universities are not covered under the RTI Act and the application was returned to the applicant.

Notice was issued to the PIO-cum-Registrar, Bahra University and matter was heard

Adv
Amit
1/3/2014

today. The PIO has brought the entire information with him and it has been handed-over to Sh. Chander Shekhar, Driver, on whose behalf RTI application was filed by the applicant. The PIO has shown one clarification issued by the Central Government which says that private universities and institutions are not covered under the RTI Act. This Commission has also taken similar view in case of private institutions which are not substantially financed by the State.

However, **Bahra University** is established as **State Private University by Act No. 2 of 2011 of State Legislature of Himachal Pradesh.**

Under section 2(h) of the RTI Act, which is reproduced as under:

“Public Authority” means any authority or body or institution of self-government established or constituted-

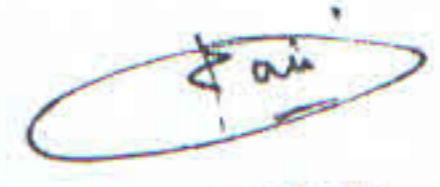
- (a) by or under the Constitution;
- (b) by any other law made by Parliament;
- (c) by any other law made by State Legislature; etc.
etc.

Accordingly, Bahra University is a Public Authority and provisions of the RTI Act are applicable to it. All the universities in Himachal Pradesh which have been similarly constituted or established will be governed by RTI Act and they should appoint Public Information Officers and First

Appellate Authorities under the RTI Act, within fifteen days, if not already appointed.

In the present case, the plea taken by the University was bona fide and there was no intention to deny information to the applicant. The entire information stand supplied today. Therefore, no further order is required in this complaint and the same is being closed.

Announced.



**(K.D. Batish)
State Information Commissioner,
Himachal Pradesh, Shimla.**

**Place. Shimla
Dated: 05.03.2014**