

**MEGHALAYA STATE INFORMATION COMMISSION,
SHILLONG**

No.MIC/Appeal/45/2009/18,

Subash Barua, Thana Road, Shillong – 1

- Appellant

-Vrs-

(1) Shri R.Kanungoe, In-charge Headmaster, Buddha Vidya
Niketan, Secondary School, Shillong – P.I.O.

(2) Smti T.Lyngdoh, Inspector of School, East Khasi Hills – D.A.A.

} Respondents

8-6-2009

ORDER

The Respondents are present in the Commission today. The Appellant is also present.

The Appellant in this case is Shri Subash Barua of Thana Road, Shillong. The case of the Appellant is that he filed an R.T.I. application dated 17-12-2008 to the P.S. to the Minister in-charge Higher & Technical Education, Govt. of Meghalaya, Shillong. It appears that the P.S. to the Minister in-charge Higher & Technical Education, Govt. of Meghalaya, forwarded the application for information to the Department of Education which was then sent to the concerned P.I.O. of the School. Failing to receive the information within the statutory period of 30 days, from the P.I.O., he had preferred the First Appeal before the First Appellate Authority viz., the Inspector of Schools, East Khasi Hills, Shillong on 4-4-2009. The First Appellate Authority vide letter dated 24-4-2009 directed the Respondent-PIO to furnish information to the Appellant. Failing to receive any response from the Respondent-PIO the Appellant preferred the Second Appeal before the Commission vide his Second Appeal dated 15-5-2009 and received in the Commission on 18-5-2009.

The issues before this Commission for decision is:

Whether the P.I.O. denied information to the Appellant and, if so, whether the P.I.O. is liable for penalty?

Shri Kanungoe, the Headmaster in-charge Buddha Vidya Niketan Secondary School and P.I.O. of the School stated before this Commission that he received the application for information which was wrongly addressed by the Appellant to the P.S. to the Minister in-charge Higher & Technical Education, Govt. of Meghalaya, on 16-2-2009, after the School re-opened at the end of Winter vacation. He has responded to the Appellant vide letter BVN/90/2009 dated 12-3-2009 requesting the Appellant to indicate the time period for which copies of the School Attendance Register for Classes IX & X and also the Cash Book would be required, so that he could assess correctly the cost of copies are provided in the Meghalaya Right to Information (Regulation of Fees & Costs) Rule, 2005. Not receiving any response from the Appellant he has again requested him vide letter

BVN/90/2009 dated 13-4-2009 to deposit the requisite fee so that the information could be made available to him. Not receiving any response from the Appellant, he has already furnished part information vide letter No. BVN/90/2009 dated 2-6-2009 except the copies of Attendance Register and the Cash Book, Vouchers for which he is awaiting payment of the cost.

The Appellant submitted that in his application he has already mentioned that the information are required over the period of time the P.I.O. has been holding the post of Headmaster of the School and there should be no requirement for further queries on this matter by the Respondent-PIO.

The Commission observed that:

Vide his application No. SBA/BDS/RT/9/24 dated 17-12-2008 the Appellant requested the following information through his R.T.I. application addressed to the P.S. to the Minister in-charge Higher & Technical Education, Govt. of Meghalaya, viz.,

- (1) In the absence of the Managing Committee by whom and when Shri R.Kanungoe was appointed as Headmaster.
- (2) The proceedings of the School Managing Committee for issuing his (Shri R.Kanungoe) appointment letter.
- (3) How (Shri R.Kanungoe) a Retired old man claiming the Govt. Grant released by DH &TE, Govt. of Meghalaya.
- (4) How much School fee were annually collected from a student of Class IX & X during his tenure as Headmaster.
- (5) How many students are there in Class IX & X and copy of the students' attendance Register monthly and class-wise to be furnished during his period of incumbency as Headmaster.
- (6) (a) Why a door is made at the back side by cutting the permanent wall of the School building when it was not necessitated during construction of the School building in the year 1989 – 90
(b) Why a gate is made by cutting the permanent guard wall of the school boundary.
- (7) Photo copy of the cash book and vouchers during Shri R.Kanungoe period of office as Headmaster of the School.

Prima-facie, the R.T.I. application has not been addressed directly to the P.I.O. Hence, it has taken a long time for the R.T.I. application to be received at the level of the P.I.O. through various levels of the Govt. of Meghalaya in the Department of Education. The Commission, accept the claim by the Respondent-PIO that the R.T.I. application dated 17-12-2008 was received by him after two months i.e. on 16-2-2009. The P.I.O. cannot be held responsible for the late receipt of the application which has been wrongly addressed by the Appellant.

Accepting that the R.T.I. application was effectively received by the Respondent-P.I.O. of the School on 16-2-2009, the Commission found that the P.I.O. had indeed responded on 12-3-2009 i.e. within 30 days of the date of receipt of the

application by him. The Appellant preferred his First Appeal before the First Appellate Authority viz., the Inspector of Schools, East Khasi Hills vide his letter No. SBA/BDS/IS/29 dated 4-4-2009. The First Appellate Authority disposed off the Appeal and vide letter No. IS/ESTT/RTI/2009/1148-50 dated 24-4-2009 directed the P.I.O. to furnish the information to the Appellant without given any time for the Respondent-PIO to comply with the direction.

Meanwhile, during pendency of the Second Appeal before this Commission the P.I.O. has furnished the information to the Appellant vide letter No. BVN/90/2009 dated 2-6-2009.

Having examined the information furnished by the Respondent-PIO to the Appellant and having heard all the parties concerned in details in the instant Appeal, the Commission decided as follows:

1. The Respondent-PIO should furnish a copy of letter dated 10-3-2005 by which he was appointed Headmaster of the School, by the Secretary of the School, immediately.
2. The First Appellate Authority viz., the Inspector of Schools, East Khasi Hills should also call for the copies of appointment Order dated 10-3-2005 issued by the Secretary of the School and also the proceedings of the School Managing Committee which contained the decision to appoint Shri R.Kanungoe as Headmaster and furnish copies to the Appellant within 30 days.
3. The Respondent-PIO should furnish copies of Attendance Register of students of Classes IX & X as required by the Appellant.
4. The Respondent-PIO should also furnish copies of the Cash book and vouchers to the Appellant as required by him.
5. The response dated 12-3-2009 made by the Respondent-PIO is uncalled for. Photo copies of Attendance Register, Cash book, vouchers etc. should be furnished free of cost to the Appellant as the Respondent-PIO has failed to furnish the same within the statutory period of 30 days. The uncalled for response dated 12-3-2009 cannot be treated as part of the information furnished.
6. Considering the fact that the records are stated to be in the custody of the Local Audit and it will take time to requisition the information from them, the Respondent-PIO is allowed to furnish the above information within 30 days from the date of this Order.
7. In view of the steps already taken by the Respondent-PIO, the Commission is convinced that there is no attempt on the part of the Respondent-PIO to deny the information to the Appellant though the Respondent-PIO has failed to act expeditiously as required by Law. While the Commission does not hold him liable for penalty, the Respondent-PIO is cautioned to abide by the letter and spirit of the Law while performing his duties under it.

The Commission should be informed compliance of this Order so as to reach this Commission on or before the **15-7-2009**.

Case disposed off.

(G.P.Wahlang)

C.I.C.

Memo. No.MIC/Appeal/45/2009/18-A

Dated Shillong, the 8th June, 2009.

Copy to:-

1. Subash Barua, Authorised Representative, Shillong Buddhist Association, Thana Road, Shillong – 793001.
2. Shri R.Kanungoe, In-charge Headmaster, Buddha Vidya Niketan, Secondary School, Shillong – P.I.O.
3. Smti T.Lyngdoh, Inspector of School, East Khasi Hills – D.A.A.

(P.T.Rani)

Under Secretary,
Meghalaya State Information Commission,
Shillong.