

**MEGHALAYA STATE INFORMATION COMMISSION,  
SHILLONG**

...

**No. MIC/Appeal/65/2009/13,**

Shri S.K.Singh, Barapathar, Shillong

- Appellant

-Vrs-

(1) Deputy Inspector of Schools, East Khasi Hills (PIO)  
(2) Director, Elementary & Mass Education, Govt. of Meghalaya (DAA) } Respondents

**20-8-2009**

**ORDER**

This Commission vide Order dated 28-7-2009 had asked Shri D.Pohshna the then P.I.O. and ex-D.I., of Schools, East Khasi Hills now Assistant Inspector of Schools, East Khasi Hills to show cause, why penalty @ Rs.250/- per day should not be awarded against him w.e.f. 10-4-2009 till the date he handed over charge as D.I., of Schools, East Khasi Hills, Shillong or Rs.25,000/- which ever is less, for denial of information to the appellant.

The Respondent viz., Shri D.Pohshna now Assistant Inspector of Schools, East Khasi Hills appeared before the Commission today and submitted his show cause. According to the show cause the P.I.O. viz., Shri D.Pohshna admitted that he received the application under R.T.I. from Shri S.K.Singh dated 9-3-2009 on 12-3-2009. Finding that the nature of information sought are not in his custody but are normally available with the School authority itself, he has directed the appellant to collect the information from the P.I.O. of the School. According to him, since the Headmaster of the M.E. School is the A.P.I.O. he is also a deemed P.I.O. It is only when he received the above Order of the Commission that he realized a mistake has been committed under the Law for which he regretted.

According to the Govt. notification, the Deputy Inspector of Schools of each sub-division is a P.I.O. for all Upper Primary/Lower Primary Schools within his/her administrative jurisdiction. The Headmaster of the School concerned is just an A.P.I.O. It is a fact that much of the information sought by information seekers are not readily available with the P.I.O. in his office. The P.I.O. has therefore to call for the assistance from the A.P.I.O.s concerned or to deem the A.P.I.O. as P.I.O. in case the A.P.I.O. failed to provide him the assistance called for. In the instant case, the P.I.O. has never called the assistance of the A.P.I.O., the question of deemed P.I.O. does not arise. On the other hand, the P.I.O. by asking the information seeker to seek the information from the Headmaster of the School who is an A.P.I.O. has violated the provision of the Law amounting to refusal of information to the applicant and is therefore, liable for penalty under section 20(1) of the R.T.I. Act.

The R.T.I. application was received by him on 12-3-2009 the statutory period of 30 days expired on 11-4-2009, hence the P.I.O. is liable for penalty @ Rs.250/- per day w.e.f. 11-4-2009 till 14-7-2009 the last working day before he handed over charge on 15-7-2009. The Commission therefore awarded penalty amounting to Rs.23,750/- (95 x 250) only, to Shri D.Pohshna, the then P.I.O. and now Assistant Inspector of Schools, East Khasi Hills, Shillong.

He is to deposit the above amount within 30 from the date of this Order days through Treasury Challan with intimation to the Commission under the following Head of Account **“0070-Other Administrative Services etc., 60-Other Services, 118-Receipt under the Right to Information Act, 2005 Volume – I as under:- (02) Fees & Fines for the Penalty Amount Imposed by the Commission”**

Vide Order dated 28-7-2009, this Commission has also directed the present P.I.O. to furnish information to the appellant within 21 days and to submit compliance report on 20-8-2009. The Commission has not received any report of compliance from the P.I.O. The P.I.O. is allowed time till 31-8-2009 to submit compliance report or to appear before the Commission on the above date to justify refusal of above order by the Commission.

( **G.P.Wahlang** )  
**C.I.C.**

**Memo. No. MIC/Appeal/65/2009/13-A Dated Shillong, the 20<sup>th</sup> August, 2009**  
Copy to:-

- (1) Shri D.Pohshna, Assistant Inspector of Schools, East Khasi Hills, Shillong.
- (2) The Director, Elementary & Mass Education, Govt. of Meghalaya (DAA)
- (3) The Deputy Inspector of Schools, East Khasi Hills (PIO)
- (4) Shri S.K.Singh, C/o Limbu Compound Barapathar, Shillong – 2.

(**P.T.Rani**)  
Under Secretary,  
Meghalaya State Information Commission,  
Shillong.