

**A N N U A L R E P O R T**

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**Meghalaya State Information Commission,  
Shillong, Meghalaya**

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Meghalaya State Information Commission  
Annual Report – 2010

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## **CHAPTER – 1**

### **INTRODUCTION**

- 1.1 Section 25(1) of the Right to Information Act, 2005 requires the State Information Commission to prepare an Annual Report on implementation of the provisions of the Act during that year, as soon as practicable, after the end of each year and forward a copy thereof to the appropriate Govt., under section 25(2) of the Act, all Departments of the State Govt., are duty bound to collect all relevant information from the public authorities within their jurisdiction and provide the same to the State Information Commission to prepare the Annual Report for the year.
- 1.2 Also Section 25(3) of the Law requires that the Annual Report should contain following information among other things, viz.,
- (i) the number of requests made to each public authority.
  - (ii) the number of decisions where applicants were not entitled to access to the documents pursuant to the requests, the provisions of this Act under which these decisions were made and the number of times such provisions were invoked.
  - (iii) the number of appeals referred to the State Information Commission for review, the nature of the appeals and complaints and the outcomes.
  - (iv) particulars of any disciplinary action taken against any officer in respect of the administration of the Act.
  - (v) The amount of charges collected by each public authority under this Act.
  - (vi) Any fact which indicates an effort by the public authorities to administer and implement the spirit and intention of this Act.
  - (vii) Recommendation for reform, including recommendations in respect of the particular public authorities, for the development, improvement, modernization, reform or amendment to this Act or other legislation or common laws or any other matter relevant for operationalising the right to access information.
- 1.3 Under Section 25(4) the State Govt. may as soon as practicable at the end of each year cause a copy of the Annual Report of the State Information Commission to be laid before the State Legislature.

- 1.4 Under Section 25(5) the Act also empowers the State Information Commission to make a recommendation to any public authorities specifying the steps which ought, in its opinion to be taken, for exercising its function under this Act in conformity with the provisions or spirit of the Act.
- 1.5 The present Report is the Fifth Annual Report prepared by the Meghalaya State Information Commission in pursuance of the above provisions of the Act. While preparing the report, focusing is made on the items required under relevant provisions of the Act. However, certain information have also been included in the Report which are considered useful to the stakeholders in general.
- 1.6 **The Meghalaya State Information Commission is pleased to present to the State Govt. of Meghalaya its Fifth Annual Report for the period from 1<sup>st</sup> January, 2010 to 31<sup>st</sup> December, 2010.**

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## CHAPTER - 2

### **HIGHLIGHTS OF IMPORTANT ACTIVITIES OF THE MEGHALAYA STATE INFORMATION COMMISSION**

#### **2.1 Meghalaya State Information Commission completing its Fifth Year:**

The Meghalaya State Information Commission has been constituted vide Govt. of Meghalaya Notification No. IPR.48/2005/Pt.II/10 dated 3-10-2005 read with Notification No. IPR.48/2005/52/11 dated 7-10-2005, with Headquarter at Shillong. The Meghalaya State Information Commission is a single Member-Commission. The State Chief Information Commissioner (SCIC), Shri G.P.Wahlang, IAS (Retd.) was appointed by the Govt. of Meghalaya vide Notification No. PER.42/2005/PT/48 dated 28-2-2006 and assumed charge of the office of the State Chief Information Commission on 3-3-2006. Hence the Meghalaya State Information Commission completed its Fifth Year.

The State Information Commission mandate is to exercise the powers conferred on, and to perform the functions assigned to it under the RTI Act, 2005. Section 15(4) of the Act stipulates that general superintendence, direction and management of the affairs of the State Information Commission shall vest in the State Chief Information Commissioner: and may exercise all such powers and does all such acts and things as may be exercised or done by the State Information Commission autonomously, without being subjected to the directions by any other authority under the Act.

The Act enjoins upon the State Govt. to provide the State Chief Information Commissioner with such officers and employees as may be necessary for the efficient performance of his functions under this Act and the salaries payable to and the terms and conditions of service of the officers and other employees appointed for the purpose of this Act shall be such as may be prescribed.

The following posts have so far been created by the State Govt. namely:

Sl. No.	Designation of the posts	No. of posts sanctioned	No. of posts filled
1.	State Chief Information Commissioner	1	1
2.	Secretary	1	1
3.	Under Secretary	1	1
4.	Sr. P.S. to C.I.C.	1	1
5.	Jr. P.S. to C.I.C.	1	-
6.	Superintendent	1	1
7.	U.D.A	1	1
8.	Computer Assistant/Data Entry Operator	1	1
9.	L.D.A	1	1
10.	Driver	2	2
11.	Peons	4	2
12.	Chowkidar	1	1

## 2.2 OFFICE ACCOMMODATION:

The State Govt. vide office Order No. GAA.116/69/1319 dated 29-5-2007 had allotted 6(six) rooms on the first floor of the New Administrative Building at Lower Lachumiere, Shillong. The present official address of the Commission is, therefore, as follows:

**Meghalaya State Information Commission,  
Lower Lachumiere,  
Shillong – 793001,  
Meghalaya,  
Phone – (0364) 2500179  
Website – [www.megsic.gov.in](http://www.megsic.gov.in)**

**2.3 NODAL GOVERNMENT DEPARTMENT:**

The budget for the State Commission is published in the budget book pertaining to the Personnel and Administrative Reforms Department, Govt. of Meghalaya. The Budget Head is “**2251-Secretariat Social Services –Non-Plan and State Plan 090-Secretariat (12) Meghalaya Information Commission (Right to Information Act)-General Area Non-Plan**”.

**2.4 REPORTING TO WHICH AUTHORITY:**

Though the budget for the State Information Commission is published in the budget book pertaining to Personnel and Administrative Reforms Department, Govt. of Meghalaya, the State Commission enjoys operational autonomy except budgetary processes. It also forwards its Annual Report under Section 25 (1) of the Act to the Meghalaya Govt. through the Nodal Department for laying the same before the Meghalaya Legislative Assembly.

**2.5 JURISDICTION:**

All Public Authorities as defined under the law functioning all over the State of Meghalaya and their offices outside the State are legally obliged to implement the provisions of the Act and are therefore under the legal jurisdiction of the State Information Commission, Meghalaya.

**2.6 MISSION:**

Ensure the citizens their rights to information from Public Authorities in accordance with the provisions of the Act.

**2.7 VISION:**

Transparent functioning of Public Authorities, accountability in their working, and containing corruption.



## 2.8 OBJECTIVES:

The objective of the Meghalaya State Information Commission is to fulfill the statutory mandate under the Right to Information Act, 2005.

## 2.9 DUTIES:

The State Information Commission functions as quasi-judicial body, to hear and adjudicate the complaints and appeals from citizens and to monitor and ensure implementation of the Act at various levels, in accordance with the provision of the Right to Information Act, 2005 read with Meghalaya Right to Information Rules framed by State Govt.

## 2.10 POWERS AND DUTIES OF OFFICERS AND EMPLOYEES OF THE MEGHALAYA STATE INFORMATION COMMISSION

Sl. No.	Designation	Powers and Duties
1.	State Chief Information Commissioner (SCIC), Meghalaya	General superintendence, direction and management of affairs of the Meghalaya State Information Commission, adjudication of complaints and second appeals from citizens and monitoring to ensure proper implementation of the Act at various levels.
2.	Secretary	Administrative matters of the State Information Commission and overall charge of the office of the Commission. To function as F.A.A. under the R.T.I. Act.
3.	Under Secretary	Receipt and registration of appeals/complaints and communication of Commission's Orders and jobs assigned by the State Chief Information Commissioner from time to time. To function as P.I.O. under the R.T.I. Act.
4.	Sr. P.S. to S.C.I.C.	Secretarial assistance and any other works assigned by the State Chief Information Commissioner.
5.	Jr. P.S. to S.C.I.C.	- do -
6.	Superintendent	General superintendence and discipline of office work, to provide assistance to the Secretary
7.	UDA/LDA	To provide secretarial assistance to the Superintendent

8.	Computer Assistant	To provide computer assistance.
9.	Grade IV including Drivers	To perform duties as assigned to them by the Secretary in routine course.

### 2.11 Names and designation and particulars of the Information Officers

SI.No.	Name of Public Authority	Name & Designation etc. of the Designated Appellate Authority	Name & Designation of the PIO
1.	Meghalaya State Information Commission.	Shri S.F. Khongwir, IAS (Retd.) Secretary, Meghalaya State Information Commission, <b>Phone –</b> 2500179 (Office) 2 (Res) <b>Address:</b> Lower Lachumiere, Shillong – 793001, Meghalaya.	Smti G.S.Sangma, Under Secretary, Meghalaya State Information Commission, <b>Phone –</b> 2500179 (Office) 222025( Res) <b>Address:</b> Lower Lachumiere, Shillong – 793001, Meghalaya.

### 2.12 Annual Accounts of the Commission:

During the Financial year 2010-2011 the provisions made in the budget and the actual expenditures are as under:

Detailed Head	<u>Budget Head description</u>	(In lakhs)	
		Budget Provision for the year 2010 – 2011 Rs.	Expenditure upto 31-3-2011 Rs.
	2251-Secretariat Social Services –Non-Plan and State Plan 090-Secretariat (12) Meghalaya Information Commission (RTI Act)-General Area Non-Plan		
01	Salaries	51,00,000	41,29,160
02	Wages	2,50,000	1,68,000
06	Medical Treatment	5,00,000	NIL
11	Domestic Travel expenses	3,50,000	3,792
13	Office expenses	5,00,000	4,65,274

16	Publications	4,50,000	21,735
21	Supplies & Materials	3,00,000	2,00,000
28	Professional Services	4,00,000	4,00,000
50	Other Charges	50,000	NIL
51	Motor vehicles	1,60,000	NIL
52	Machinery & Equipments	60,000	NIL
<b>Total</b>		<b>81,20,000/-</b>	<b>53,87,961/-</b>

In addition to the budget provision as indicated above, the Govt. of India has also been kind enough to provide certain financial assistance under the centrally sponsored scheme for strengthening, capacity building and awareness generation for effective implementation of the Right to Information Act. During the year a total grant-in-aids amounting to Rs.1, 50,000 was received by the Commission during the year for celebrating the completion of five years implementation of the RTI Act. The amount has been re-allotted to ten C.D. Blocks as follows:

1. Mawphlang C.D. Block, East Khasi Hill	- Rs.15,000/-
2. Mawkynrew C.D. Block, East Khasi Hill	- Rs.15,000/-
3. Mawthadraishan C.D. Block, West Khasi Hill	- Rs.15,000/-
4. Mairang Civil Sub-Division, West Khasi Hill	- Rs. 15,000/-
5. Rongram C.D. Block, West GARO Hill	- Rs.15,000/-
6. Gambegre C.D. Block, West Garo Hills	- Rs.15,000/-
7. Jirang C.D. Block, Ri Bhoi District	- Rs.15,000/-
8. Khliehriat Civil Sub-Division, Jaintia Hill	- Rs.15,000/-
9. Gasuapara C.D. Block, South Garo Hill	- Rs.15,000/-
10. Resubelpara Civil Sub-Division, East Garo Hill	<u>- Rs.15,000/-</u>
	=Rs.1,50,000/-

### **2.13 Activities under taken by the Commission during the year:**

- (i) As already stated in the foregoing paragraphs, the main functions of the Commission are, hearing and disposal of complaints and appeals received by it. During the year 2010, the Commission received 55 numbers of

complaints and appeals. In addition, there were 3 number of cases spilled over from the previous year i.e 2009. There were all together 58 complaints and appeals for disposal by the Commission during the year. Out of these 58 cases, 46 were disposed and Rejected 8 during the year and 4 cases only were carried over to the year 2011. A detail of receipt and disposal of complaints and appeals by the State Information Commission has been given in Chapter – 3 and Chapter – 4 of this Report.

- (ii) Besides the above statutory activities, the Commission had also devoted much of its time and attention towards streamlining the administration of new office in the newly acquired accommodation.
- (iii) During the year, the Commission had also attended review meetings, discussions and awareness campaigns etc in and outside the State. Some of the programmes attended by the State Chief Information Commissioner are as follows:

<b>Date</b>	<b>Place</b>	<b>Nature of Programme attended</b>
8-1-2010	M.A.T.I. Shillong	RTI Training for DAAs & PIOs on R.T.I. organized by Meghalaya Administrative Training Institute.
19-1-2010	M.A.T.I. Shillong	RTI Training for DAAs & PIOs on R.T.I. organized by Meghalaya Administrative Training Institute.
11-2-2010	M.A.T.I. Shillong	RTI Training for DAAs & PIOs on R.T.I. organized by Meghalaya Administrative Training Institute.
10-3-2010	M.A.T.I. Shillong	RTI Training for DAAs & PIOs on R.T.I. organized by Meghalaya Administrative Training Institute.
23-3-2010	Pynursla, East Khasi Hills	Awarenes campaign on R.T.I.
25-3-2010	Nongstioin, West Khasi Hills	District Awareness Campaign on R.T.I. organized by Deputy Commissioner, West Khasi Hills
20-4-2010	M.A.T.I. Shillong	RTI Training for DAAs & PIOs on R.T.I. organized by Meghalaya Administrative Training Institute.

14-5-2010	M.A.T.I. Shillong	RTI Training for DAAs & PIOs on R.T.I. organized by Meghalaya Administrative Training Institute.
16-7-2010	M.A.T.I. Shillong	RTI Training for DAAs & PIOs on R.T.I. organized by Meghalaya Administrative Training Institute.
4-8-2010	M.A.T.I. Shillong	RTI Training for DAAs & PIOs on R.T.I. organized by Meghalaya Administrative Training Institute. (attended by Secretary of the Commission)
16-8-2010	M.A.T.I. Shillong	RTI Training for DAAs & PIOs on R.T.I. organized by Meghalaya Administrative Training Institute.
19-8-2010	M.A.T.I. Shillong	RTI Training for DAAs & PIOs on R.T.I. organized by Meghalaya Administrative Training Institute. (attended by Secretary of the Commission)
31-8-2010	M.A.T.I. Shillong	RTI Training for DAAs & PIOs on R.T.I. organized by Meghalaya Administrative Training Institute. (attended by Secretary of the Commission)
8-9-2010	M.A.T.I. Shillong	RTI Training for DAAs & PIOs on R.T.I. organized by Meghalaya Administrative Training Institute. (attended by Secretary of the Commission)
24-9-2010	Nongpoh, Ri Bhoi District	District Awareness Campaign on R.T.I. organized by Deputy Commissioner, Ri Bhoi District, Nongpoh.
28-9-2010	N.E.H.U., Shillong	NEHU 11 <sup>th</sup> Orientation Programme (non-teaching officials and above 'Group 'A' on Right to Information
25-10-2010	M.A.T.I. Shillong	RTI Training for DAAs & PIOs on R.T.I. organized by Meghalaya Administrative Training Institute. (attended by Secretary of the Commission)
28-10-2010	Power GRID Corporation, Shillong	A seminar on Right to Information organized by Power Grid Corporation of India Limited at Shillong.

16-11-2010	Mairang, West Khasi Hill.	Workshop and Awareness Campaign on RTI. (attended by Secretary of the Commission)
13-12-2010	M.A.T.I. Shillong	RTI Training for DAAs & PIOs on R.T.I. organized by Meghalaya Administrative Training Institute.

- (iv) Preparation and publication of the fifth Annual Report of the Commission for the year 2010.

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## CHAPTER – 3

### **3.1 Disposal of Complaints by the State Information Commission: (Section 18(1))**

One of the major activities of the State Information Commission is to receive and inquire into complaints from any information seeker,

- (a) who has been unable to submit a request to any State Public Information Officer, either by reason that no such officer has been appointed under this Act, or because the State Assistant Public Officer, has refused to accept his or her application for information or appeal under this Act for forwarding the same to the State Public Information Officer or senior officer specified in sub-section (l) of section 19 or the R.T.I. Act or the State Information Commission,
- (b) who has been refused access to any information requested under this Act;
- (c) who has not been given a response to a request for information or access to information within the time limit specified under this Act;
- (d) who has been required to pay an amount of fee which he or she considers unreasonable;
- (e) who believes that he or she has been given incomplete, misleading or false information under this Act; and
- (f) in respect of any other matter relating to requesting or obtaining access to records under this Act.

During the year 2010, a total number of 39 petitions of complaints were received in the Commission. With 2(two) complaints pending from the previous years i.e. 2009 there were all together 41 complaints cases available for disposal during the year. Out of these 33 number of cases or 85% were disposed of during the year. The Department-wise break-up of complaints received during the year is given in in Table 3.1.1 below:

**Table 3.1.1****Department-wise receipt and Disposal of Complaints by Information Commission during 2010:**

Sl. No.	Name of Department	No. of Complaints pending with Information Commission at end of Last Year	No. of Complaints preferred during the Year	Total No. of Complaints with Information Commission	No. of Complaints Disposed and acted upon	No. of Complaints Disposed and Rejected
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1.	Agriculture		1	1	1	-
2.	Cooperation		1	1	1	-
3.	C&RD	1	4	5	4	-
4.	Education	1	12	13	10	1
4.	C.M. Sectt.		1	1	1	-
5.	D.C. West Garo Hill		1	1	1	1
6.	D.C. East Khasi Hill		1	1	1	-
7.	Home(Police)		2	2	2	-
8.	P.W.D. ®		3	3	2	1
9.	Power (MeSEB)		2	2	1	1
10.	Prisons		1	1	1	-
11.	Revenue		1	1	1	-
12.	P.H.E.			1	-	-
13.	Sports & Y.Affairs		1	1	1	-
14.	Transport		1	1	1	1
15.	Housing		1	1	1	-
16.	K.H.A.D.C.		3	3	1	2
17.	J.H.A.D.C.		2	2	2	-
	<b>Total</b>	<b>2</b>	<b>39</b>	<b>41</b>	<b>32</b>	<b>7</b>

**3.2 Reasons of Complaints to State Information Commission:**

Most of the complaints received in the Commission had arisen due to violation of Section 18(1)(c) of the R.T.I. Act, namely, failure on the part of the PIOs to response to requests for information or to access to information within the period prescribed by Law. In fact such complaints accounts for 66% of all complaints petitions received. Another major reason for Complaint falls under Section



18(1)(b) namely refusing by the PIO to provide information requested, which accounts for 17% of the total number of Complaints.

Table 3.2.1 below gives a distribution of Complaints under the Sub-Sections of Section 18 of the Right to Information Act:

**Table 3.2.1 Reasons of Complaints to the State Information Commission:**

Reasons for complaint	No. of Complaints pending with Information Commission as on end of last year	No. of Complaints preferred during the Year	Total No. of Complaints with Information Commission	No. of Complaints Disposed	No. of Complaints Rejected
(1)	(2)	(3)	(4)	(5)	(6)
18(1) (a)		2	2	2	1
18(1) (b)		7	7	7	3
18(1) (c)	2	25	27	18	2
18(1) (d)		-	-	-	-
18 (1) (e)		3	3	3	-
18(1) (f)		2	2	2	1
<b>Total</b>	<b>2</b>	<b>39</b>	<b>41</b>	<b>32</b>	<b>7</b>

In addition to the regular complaints, the Commission also received certain Review Petitions from the complainants which the Commission disposed of after due examination.

## **CHAPTER – 4**

### **4. Disposal of Second Appeals by the State Information Commission:** (Section 19)

Receiving and hearing of appeals filed by the information seekers against the decision of the appellate authority of the public authorities is another major activity assigned to the Commission under the Law. Section 19 of the R.T.I. Act, states that; -

(1) Any person who, does not receive a decision within the time specified in sub-section (1) or clause (a) of sub-section (3) of section 7, or is aggrieved by a decision of the Central Public Information Officer or State Public Information Officer, as the case may be, may within thirty days from the expiry of such period or from the receipt of such a decision prefer an appeal to such officer who is senior in rank to the Central Public Information Officer or State Public Information Officer as the case may be, in each public authority:

Provided that such officer may admit the appeal after the expiry of the period of thirty days if he or she is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) Where an appeal is preferred against an order made by the Central Public Information Officer or a State Public Information Officer, as the case may be, under section 11 to disclose third party information, the appeal by the concerned third party shall be made within thirty days from the date of the order.

(3) A second appeal against the decision under sub-section (1) shall lie within ninety days from the date on which the decision should have been made or was actually received, with the Central Information Commission or the State Information Commission.

Provided that the Central Information Commission or the State Information Commission, as the case may be, may admit the appeal after the expiry of the

period of ninety days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(4) If the decision of the Central Public Information Officer or State Public Information Officer, as the case may be, against which an appeal is preferred relates to information of a third party, the Central Information Commission or State Information Commission, as the case may be, shall give a reasonable opportunity of being heard to that third party.

(5) In any appeal proceedings, the onus to prove that a denial of a request was justified shall be on the Central Public Information Officer or State Public Information Officer, as the case may be, who denied the request.

(6) An appeal under sub-section (1) or sub-section (2) shall be disposed of within thirty days of the receipt of the appeal or within such extended period not exceeding a total of forty-five days from the date of filing thereof, as the case may be, for reasons to be recorded in writing.

(7) The decision of the Central Information Commission or State Information Commission, as the case may be, shall be binding.

(8) In its decision, the Central Information Commission or State Information Commission, as the case may be, has the power to –

(a) require the public authority to take any such steps as may be necessary to secure compliance with the provisions of this Act, including –

(i) by providing access to information, if so requested, in a particular form;

(ii) by appointing a Central Public Information Officer or State Public Information Officer, as the case may be;

(iii) by publishing certain information or categories of information.

(iv) by making necessary changes to its practices in relation to the maintenance, management and destruction of records;

- (v) by enhancing the provision of training on the right to information for its officials;
- (vi) by providing it with an annual report in compliance with clause (b) of sub-section (1) of section 4.
- (b) require the public authority to compensate the complainant for any loss or other detriment suffered.
- (c) impose any of the penalties provided under this Act;
- (d) reject the application.

During the year a total number of 16 appeals were received by the State Information Commission with 1(one) appeal carried over from the previous year, there were all together 17 appeals available with the Commission for disposal during the year.

Out of these 14 cases or 85% were disposed of during the year. A total number of cases rejected on disposed are 2 only.

Most of the appeals which had come up before the Commission are due to failure on the part of the PIOs and the First Appellate Authorities to dispose of in time or give a decision required by Law in time.

Department-wise receipt and disposal of second appeals by the State Information Commission is given in Table 4.1.1.

**Table 4.1.1****Departmental-wise receipt and disposal of Second Appeals by the State Information Commission:**

Sl. No.	Name of Department	No. of Second Appeals pending with Information Commission at end of Last Year	No. of Second Appeals preferred during the Year	Total No. of Second Appeals with Information Commission	No. of Second Appeals Disposed	No. of Second Appeals Rejected
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1.	Home (Police)	-	1	1	1	-
2.	Education	1	-	1	-	-
3.	Health	-	1	1	1	-
4.	Personnel/MPSC	-	2	2	1	-
5.	Forest & Env.	-	3	3	3	-
6.	Urban Affairs	-	1	1	1	-
7.	Political	-	1	1	1	-
8.	Housing	-	1	1	1	-
9.	C.M. Secretariat	-	1	1	1	-
10.	Registrar Societies	-	1	1	1	-
11.	Social Welfare	-	1	1	1	-
12.	Sports & Y.A.	-	1	1	-	1
13.	JHADC	-	1	1	1	-
14.	KHADC	-	1	1	1	-
	<b>Total</b>	<b>1</b>	<b>16</b>	<b>17</b>	<b>14</b>	<b>1</b>

**4.2** The Commission afforded an opportunity of hearing to the Respondents who are normally the PIOs and the First Appellate Authorities also the appellants, during the enquiry/examination of the issues raised in the appeals/complaints petitions. Besides, relevant records were also called and examined at the time of hearing before deciding the cases. It has been desired by the Commission to dispose of the appeals and complaints during the period of 60 days. Few cases have however pro-longed beyond the anticipated period of time due to further follow up action to secure compliance of the order of the Commission by the public authorities.

## **CHAPTER – 5**

### **Penalties/Compensations and Disciplinary Action:** (Section 20(1) of the R.T.I. Act)

#### **5.1. Penalties awarded by the State Information Commission:**

Under Section 19(8)(c) of the R.T.I. Act is empowered the State Information Commission to impose penalties. Section 20(1) of the Act has laid down specific grounds and the amount of penalty to be awarded by the Commission this provision of Law is re-produced below:

Section 20(1) “where the Central Information Commission or the State Information Commission, as the case may be, at the time of deciding any complaint or appeal is of the opinion that the Central Public Information Officer or the State Public Information Officer, as the case may be, has, without any reasonable cause, refused to receive an application for information or has not furnished information within the time specified under sub-section (1) of section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall impose a penalty of two hundred and fifty rupees each day till application is received or information is furnished, so however, the total amount of such penalty shall not exceed twenty five thousand rupees.

Provided that the Central Public Information Officer or the State Public Information Officer, as the case may be, shall be given a reasonable opportunity of being heard before any penalty is imposed on him.

Provided further that the burden of proving that he acted reasonably and diligently shall be on the Central Public Information Officer or the State Information Officer, as the case may be”.

In accordance with the above provisions of Law, the Commission awarded the following penalties during the year 2010.

**Table 5.1.1. Penalties awarded during 2010 by the Commission:**

<b>Sl. No.</b>	<b>Case No.</b>	<b>Name of Complainants/ Appellants</b>	<b>Name of PIO/Public Authorities</b>	<b>Amount of Penalty/</b>
1.	MIC/Complaint/14/2010/53 dated 28-5-2010	Shri Julius Nongtdu, Khliehriat, Jaintia Hills.	Shri B.Pachiang, PIO, Jaintia Hills District Council, Jowai.	Rs.2500/- (Penalty)
2.	MIC/Complaint/17/2010/7 Dated 28-5-2010	Mrs R.Lyngdoh & Ors., Shillong.	Shri George Lyngdoh, PIO, District Sports Officer, East Khasi Hills, Shillong.	Rs.12,250/- (Penalty)
3.	MIC/Complaint/18/2010/5 Dated 15-6-2010	Shri Wanbun N.Dkhar, Thadlaskein, Jaintia Hills.	Shri Precious Mawa, BDO, Thadlaskein C.D.Block, Jaintia Hills.	Rs.12750/- (Penalty)
4.	MIC/Complaint/22/2010/9 Dated 15-7-2010	Shri Lurstep Dohling, Mawpat, East Khasi Hills, Phone – 9615168461.	Dy.C.E., PWD (Roads), Shillong	Rs.7250/- (Penalty)
5	MIC/Complaint/20/2010/23 Dated 4-8-2010	Shri Abul Kalm Azad, West Garo Hills.	District Mission Coordinator, SSA, Tura.	Rs.16,250/- (Penalty)

Sufficient time has been given to the concerned PIOs for payment of penalty amounts and all penalties awarded by the Commission during the year had been deposited in appropriate Govt. Accounts through State Treasuries, by the functionaries of the Public Authorities.

**5.2 Compensation awarded by the State Information Commission during the year:**

Under Section 19(8)(b) of the R.T.I. Act, the Commission is empowered to require the public authority to compensate the complainant for any loss or other detriment suffered in the process of accessing information. The relevant provisions of the Law state as follows:

(1) Any person who, does not receive a decision within the time specified in sub-section (1) or clause (a) of sub-section (3) of section 7, or is aggrieved by a decision of the Central Public Information Officer or State Public Information Officer, as the case may be, may within thirty days from the expiry of such period or from the receipt of such a decision prefer an appeal to such officer who is senior in rank to the Central Public Information Officer or State Public Information Officer as the case may be, in each public authority:

Provided that such officer may admit the appeal after the expiry of the period of thirty days if he or she is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) Where an appeal is preferred against an order made by the Central Public Information Officer or a State Public Information Officer, as the case may be, under section 11 to disclose third party information, the appeal by the concerned third party shall be made within thirty days from the date of the order.

(3) A second appeal against the decision under sub-section (1) shall lie within ninety days from the date on which the decision should have been made or was actually received, with the Central Information Commission or the State Information Commission.

Provided that the Central Information Commission or the State Information Commission, as the case may be, may admit the appeal after the expiry of the period of ninety days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(4) If the decision of the Central Public Information Officer or State Public Information Officer, as the case may be, against which an appeal is preferred relates to information of a third party, the Central Information Commission or State Information Commission, as the case may be, shall give a reasonable opportunity of being heard to that third party.

(5) In any appeal proceedings, the onus to prove that a denial of a request was justified shall be on the Central Public Information Officer or State Public Information Officer, as the case may be, who denied the request.



(6) An appeal under sub-section (1) or sub-section (2) shall be disposed of within thirty days of the receipt of the appeal or within such extended period not exceeding a total of forty-five days from the date of filing thereof, as the case may be, for reasons to be recorded in writing.

(7) The decision of the Central Information Commission or State Information Commission, as the case may be, shall be binding.

(8) In its decision, the Central Information Commission or State Information Commission, as the case may be, has the power to –

(b) require the public authority to compensate the complainant for any loss or other detriment suffered.

(c) impose any of the penalties provided under this Act;

(d) reject the application.

**5.2.1** In accordance with the above provisions of Law, the following cases of compensation had been awarded by the Commission during the year:

**Compensations awarded during 2010**

<b>Sl. No.</b>	<b>Case No.</b>	<b>Name of Complainants/ Appellants</b>	<b>Name of PIO/Public Authorities</b>	<b>Amount of Compensation</b>
1.	MIC/Complaint/9/2010 Dated 11-3-2010	Shri L.Khongshei & Ors. of Laitmawsiang, East Khasi Hills, Sohra	Smti A.B.Lyngdoh, SDAO, Sohra.	Rs.2500/- (Compensation)
2	MIC/Complaint/27/2010/ Dated 6-9-2010 (Recd 26-7-2010)	Shri Jayanta Charaborty, Lumparing, Shillong.	PIO/Principal, Laban Bengali Boys' Higher Secondary School, Shillong.	Rs.2500/- (compensation)
3	MIC/Complaint/23/2010/ 12 Dated 3-10-2010 (Recd 9-7-2010)	Shri Mozammel Hoque, Village Bangalkhata, P.O. Chibinang,, West Garo Hills and Others.	BDO, Selsella C&RD Block, West Garo Hills,	Rs. 8000/- (Compensation)

**5.3.1. Disciplinary Proceedings Awarded by the Commission during the year:**

The Commission has recommended one Disciplinary Proceedings during the year against the A.P.I.O., namely Smti A.B.Lyngdoh, S.D.A.O., Agriculture Department, Sohra for failure to perform her duties under R.T.I. Act.

## CHAPTER – 6

### Highlights of some land mark decisions of the Commission and subsequent Order of the Hon'ble High Court:

During the year there is only one decision made by the Commission against which WRIT Petition had been preferred before the Hon'ble High Court by the public authority and had been disposed of and re-produced below:

#### Order of the Commission

**GOVERNMENT OF MEGHALAYA**

**OFFICE OF THE STATE INFORMATION COMMISSION,**

**MEGHALAYA::::SHILLONG**

**No.MIC/Complaint/11/2010/10**

**Dated Shillong, the 26<sup>th</sup> March, 2010**

Shri Kitborlang Nongphlang, Upper Shillong, Mawklot - Complainant

-Vrs-

PIO, Khasi Hills Autonomous District Council, Shillong - Respondent

**26-3-2010**

#### **O R D E R**

Seen petition dated 23-3-2010 received from the complainant/petitioner.

The case of the complainant/petitioner is that, he had filed an R.T.I. application before the P.I.O., K.H.A.D.C., Shillong requesting some information relating to the office of the Syiem of Hima Myllem. However, vide letter No.DC.XXVII/GENL/66/2007-10/23 dated 3<sup>rd</sup> February, 2010, the P.I.O., K.H.A.D.C., Shillong informed him that the information requested could not be provided as the Syiem of Myllem, from whom the information has been called

refused to provide the information. Hence the instant complaint before this Commission.

Having examined the matter, this Commission is of the opinion that, since the P.I.O. has already responded to the complainant/petitioner his inability to provide the information, it is for the complainant/petitioner to exhaust the legal means available at the disposal of the Public Authority to secure the information through an appeal to the First Appellate Authority of the Public Authority i.e. the K.H.A.D.C., Shillong, at the first instant, before coming to this Commission for a second appeal.

Petition rejected.

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

**No.MIC/Appeal/9/2010/53.**

Shri Kitboklang Nongphlang, Upper Shillong, Mawklot, East Khasi Hills - Appellant

-Vrs-

(1) Shri R.S.Wanniang, D.A.A., K.H.A.D.C., Shillong }  
(2) Shri P. Kharshiing, P.I.O., K.H.A.D.C., Shillong } Respondents  
(3) Shri Latho Manik Syiem, Syiem of Hima Myllem }

**27-5-2010**

**ORDER**

Perused second appeal dated 26-5-2010, received from Shri Kitboklang Nongphlang, Information Secretary, FKJGP, East Khasi Hills, Shillong.

The case of the appellant is that, he had made an information request before the P.I.O., KHADC, Shillong on 1-2-2010. The P.I.O., vide his response dated 5-3-2010 informed the appellant of his inability to furnish the information on the ground that the Syiem of Hima Myllem Syiemship under whose custody the information is available refused to furnish claiming that his establishment does not fall within the purview of the R.T.I. Act. He made a complaint before the Commission on 23-3-2010 and the Commission vide Order dated 27-3-2010 while rejecting the appeal advised the appellant to exhaust the

legal process available with the public authority through the first appeal with the D.A.A., KHADC.

The D.A.A., KHADC disposed of his appeal on 26-4-2010 directing the Syiem of Hima Myllem to furnish the information within 15(fifteen) days. Failing to receive the information in accordance with the decision of the First Appellate Authority the appellant has approached this Commission with the instant appeal.

Meanwhile, this Commission has also received a separate petition/appeal from the Syiem of Hima Myllem Syiemship through his authorized advocate, Shri L. Khyriem on 12-5-2010 pertaining to the same matter of the instant appeal.

Let the said petition/appeal also form part of the record and the Syiem of Myllem Syiemship be included as a co-respondent of the instant appeal.

Register an appeal case.

Let a notice be issued to the Respondents and co-respondent for appearance before the Commission with necessary documents/records in support of their stand.

Fix **15<sup>th</sup> June, 2010 at 11:00 AM** for hearing.

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

**No.MIC/Appeal/9/2010/71,**

Shri Kitboklang Nongphlang, Upper Shillong, Mawklot, East Khasi Hills - Appellant

-Vrs-

(1) Shri R.S.Wanniang, D.A.A., K.H.A.D.C., Shillong }  
(2) Shri P. Kharshiing, P.I.O., K.H.A.D.C., Shillong } Respondents  
(3) Shri Latho Manik Syiem, Syiem of Hima Myllem }

**15-6-2010**

**ORDER**

The appellant, Shri Kitboklang Nongphlang, Information Secretary, FKJGP, East Khasi Hills, Shillong is present in the Commission today. The Respondent-PIO and the D.A.A.

are also present and the co-Respondent viz., the Syiem of Hima Myllichem is duly represented by Shri L.Khyriem, Advocate.

The case of the appellant is that, he had made an information request before the P.I.O., KHADC, Shillong on 1-2-2010. The P.I.O., vide his response dated 5-3-2010 informed the appellant of his inability to furnish the information on the ground that he does not have the same under his custody and the Syiem of Hima Myllichem Syiemship, under whose custody the information is available refused to furnish the information claiming that his establishment does not fall within the purview of the R.T.I. Act.

Failing to receive the information, he made a complaint before the Commission on 23-3-2010 against denial of information by the P.I.O. Since the Respondent-PIO had responded, the Commission vide Order dated 27-3-2010 while rejecting the complaint, advised the appellant to exhaust the legal process available with the public authority to secure the information through the first appeal with the Departmental Appellate Authority (D.A.A.), K.H.A.D.C.

The D.A.A., KHADC disposed of his appeal on 26-4-2010 directing the Syiem of Hima Myllichem to furnish the information within 15(fifteen) days. Failing to receive the information in accordance with the decision of the First Appellate Authority, the appellant had approached the Commission with the instant second appeal. Meanwhile, this Commission has also received a separate petition from the Syiem of Hima Myllichem pertaining to the same matter, and vide Order dated 27-5-2010 the Syiem of Hima Myllichem has been impleaded as a co-Respondent, being part of the same authority.

During hearing of the case, the D.A.A., K.H.A.D.C., Shri R.S.Wanniang while affirming his decision made and communicated vide Order dated 26-4-2010 directing the Syiem of Myllichem to furnish the information within fifteen days, he also submitted that sufficient grounds have been given in the above Order to show that the Syiem of Hima Myllichem is in fact a public authority within the meaning of section 2(h) of the R.T.I. Act. He also submitted that the Executive Committee of the K.H.A.D.C., had vide Notification No.DC/RBF.Misc/Pub/190/2006-07/27 dated 10-3-2009 had already identified all the Syiems under the control of the K.H.A.D.C., as public authorities, under the R.T.I. Act, 2005 and they have been directed to appoint all the functionaries as required under the Law. According to him, the above Notification has been received by the Syiem of

Mylliem but he has failed to carry out the direction of the Council. Since the Syiem of Mylliem Syiemship has not created the functionaries under the R.T.I. Act, the Public Authority of the K.H.A.D.C., has to exercise the role and functions of a public authority on behalf of the office of the Syiem of Mylliem Syiemship also. Therefore, according to him, the public authority has not denied or refused the information to the appellant, but the delay in furnishing the information is due to the fact that the information required is not under the custody of the public authority but under in the custody of the Syiem of Mylliem Syiemship.

The appellant confirmed the facts submitted by them in the appeal petition. Copy of appeal petition is also made available to the respondents concerned at the time of hearing.

The representative of the Syiem of Hima Mylliem in his submission stated that the office of the Syiem of Mylliem Syiemship, being a customary traditional institution does not fall within the purview of the R.T.I. Act, 2005. Therefore, there is no obligation to provide such information to the K.H.A.D.C., and that the Order dated 26-4-2010 of the D.A.A., K.H.A.D.C., is bad in the Law and should be quashed by the Commission. Affirming the facts stated in the petition, the Respondent Syiem of Hima Mylliem reiterated that the office of the Syiem of Mylliem Syiemship does not qualify within any of the parameters laid down under section 2(h) of the R.T.I. Act, and that the officers of the Syiem of Mylliem Syiemship act in fiduciary capacity, and section 8(1)(e) of the R.T.I. Act exempted the concerned public authority from providing the information. It was further submitted that the Syiem of Mylliem Syiemship is under the supervisory control of the Autonomous District Council, Khasi Hills; the source of his appointment does not emanate from it but from the customary Electoral College which elects the Syiem and the District Council merely approves the said appointment. Such being the case, it was argued that the Khasi Hills Autonomous District Council has no administrative control over the office of the Syiem of Mylliem Syiemship to justify bringing the office of the Syiem of Mylliem Syiemship under the purview of the R.T.I. Act, 2005, more so of declaring the Syiem of Mylliem as a public authority under the administrative control of the K.H.A.D.C.

The issues before the Commission for decision are as follows:

- (1) Whether the decision made by the D.A.A. vide his Order dated 26-4-2010 is valid under the provisions of the R.T.I. Act?
- (2) Whether act of the Khasi Hills Autonomous District Council declaring the Syiem of Myllichem Syiemship as a public authority under the provisions of the R.T.I. Act is valid action?
- (3) Whether the exemption provided under section 8(1)(e) of the R.T.I. Act is applicable in the instant case?

It is on record that the K.H.A.D.C., vide Order No.DC/RBF.Misc/Pub/190/2006-07/27 dated 10-3-2009 had issued Notification declaring the Syiem of Myllichem Syiemship within the administrative control of the K.H.A.D.C., to be a public authority under the R.T.I. Act, 2005 and direction was given to him to appoint his own functionaries to perform duties under Act. Apparently, the Syiem of Myllichem has failed to carry out the direction issued by the K.H.A.D.C., in as much as neither the first appellate authority nor the P.I.O.s nor the APIOs have been appointed for the said public authority. Since no functionaries have been appointed by the District Council, the P.I.O. of the K.H.A.D.C., have been acting as PIO with jurisdiction over the entire administrative machinery of the above Council including the subordinate offices like the office of the Syiem of Myllichem Syiemship and others. The R.T.I. application submitted by the appellant to the PIO, K.H.A.D.C., is therefore in order as the Council exercises control over the information available with the subordinate offices under it as well. The PIO has therefore every right to call for information from the subordinate offices of the Council which have no P.I.O.s and it is for such offices to comply with the direction of the PIO.

The first appeal made before the First Appellate Authority against failure by respondents PIO to furnish the information has been duly disposed of by the First Appellate Authority vide order dated 26-4-2010 requiring the Syiem of Myllichem Syiemship to furnish all the requisite information as requested by the appellant through him, within a period of 15 days. In support of his above decision, the First Appellate Authority quoted the Order of the Hon'ble Supreme Court of India in Case No. 394 of 1960 dated 20-9-1960 in T.Cajee -Vrs- U Jormanik Syiem wherein, the Hon'ble Supreme Court had indicated that the office of the Syiem, by virtue of his appointment in the first instant, by the Governor and



letter confirmation by the District Council, on terms which has been indicated to him was no more than an administrative officer appointed by the District Council by virtue of powers under para 2(4) of the Schedule and working under its control. The Respondent-DAA also furnished copy of Sanad No.DC/II/XX/7/27/GENL/PF/71/2004-07/19 issued by the Council to the U Latho Manik Syiem the Syiem of Myllichem Syiemship dated 1-3-2007. The Sanad, inter-alia laid down conditions for appointment of the Syiem. Item No. 2 of the Sanad required the Syiem to be under the direction and control of the District Council Khasi Hills, to observe and implement Orders and directions issued by the CEM, the EMs or any officers empowered by the Council. Item No. 4 required the Syiem to carry out the administration of the Syiemship, according to Law and rules of the District Council which have been already notified or which will be notified in due course. Item No. 6, of the Sanad requires that the budget of the Syiemship be furnished to the Council in time for its approval. Item No. 7 requires the Syiemship to keep proper records of all receipts and expenditures of the Syiemship and to submit quarterly statements to the Council.

In view the observation made by the Hon'ble Supreme Court and in the face of such explicitly evidences on records, there is no valid ground for this Commission to believe the arguments put forward by the Respondent-Syiem of Myllichem that the office of the Syiem is not under the administrative control of the Autonomous District Council Khasi Hills. The Commission, therefore, agreed with the decision of the first appellate authority in directing the Syiem of Myllichem Syiemship which office is under the administrative control of the said Council, to furnish the information to him for onward transmission to the appellant. The claim made by the respondent-syiem of Myllichem that the appellant in the instant case did not submit his R.T.I. application directly to the office of the Syiemship is a fact. The fault is not with the appellant; but with the respondent-syiem of Myllichem Syiemship for failure to appoint the functionaries under the R.T.I. Act in spite of the direction of the Khasi Hills Autonomous District Council.

The other issue which has come up before the Commission is whether the identification of the office of the Syiem of Myllichem Syiemship as a public authority under the R.T.I. Act is a valid action?

To be a public authority under the R.T.I. Act, an authority or a body or an institution of self-government should fulfill the definition as laid down under section 2(h) of the R.T.I. Act viz., such authority or body or institution of self-government should have been 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,
- (d) by notification issued or the order made by the appropriate Govt., and includes any –
  - (i) body owned, controlled, or substantially financed,
  - (ii) non-government organization substantially financed, directly or indirectly by funds provided by the appropriate Govt.

The Respondent Syiem of Hima Myllem denied that his office satisfies any of the parameters laid down in above definition of public authority. This has been clearly mentioned in the written petition and also in the submission by the concerned respondent before the Commission. The respondent-DAA however contended that under para 3(1)(g) of the Sixth Schedule of the Constitution, the District Council has been empowered to make Laws in respect to the appointment or succession of Chiefs or Headmen. In exercise of the above constitutional powers, the District Council Khasi Hills, enacted the Khasi Hills Autonomous District (Appointment and succession of Syiem, Dy.Syiem, Electors and Rangbah Shnong of Myllem Syiemship) Act, 2007 and this Law is duly notified by the State Govt. in the official Gazette. Hence the office of the Syiem of Myllem Syiemship has been established or constituted under the Constitution of India and is, therefore, a public authority under the R.T.I. Act.

This Commission is inclined to agree with the views of the Respondent-DAA. For, without the provision of para 3(1)(g) of the Sixth Schedule to the Constitution, the office of the Syiem of Myllem Syiemship would not have been in existence in the form it is today.

The claim of exemption under section 8(1)(e) of the R.T.I. Act made by the Respondent Syiem of Myllem Syiemship does not seem to be based on correct appreciation of the term ‘**fiduciary relationship**’ as intended by the makers of the Law. To say that the office of the Syiemship is a customary office and hence all the officers of the Syiem of

Mylliem Syiemship act in fiduciary capacity and therefore, all information available with the Syiem of Mylliem Syiemship is held by him in fiduciary capacity, is too far-fetched a claim on the restricted area of exemption provided under the Law, and this Commission regretfully refused to accept.

In view of the above, the Commission upheld the decision of the First Appellate Authority, rejected the petition of the Respondent Syiem of Mylliem Syiemship and directed the Respondents to furnish the information to the appellant within the period of 20 (twenty) days from the date of this Order with intimation to this Commission.

Before parting with the case, the Commission, in exercise of the powers conferred under section 18(8)(a) of the R.T.I. Act, hereby requires the public authorities of the Khasi Hills Autonomous District Council and the other public authorities under the administrative control of the K.H.A.D.C., to secure compliance with the provisions of this Act by putting in place immediately all the functionaries as required under the R.T.I. Act.

Let a copy of this Order be sent to the Principal Secretary, Govt. of Meghalaya, District Council Affairs Department, the Secretary, Executive Committee, K.H.A.D.C., Shillong, the Secretary, Executive Committee, J.H.A.D.C., Jowai, the Secretary, Executive Committee, G.H.A.D.C., Tura for their information and necessary action.

Case disposed of.

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

**Order of the Hon'ble High Court**

IN THE GAUHATI HIGH COURT  
(HIGH COURT OF ASSAM: NAGALAND: MEGHALAYA: MANIPUR:  
TRIPURA: MIZORAM & ARUNACHAL PRADESH)  
SHILLONG BENCH

WP(C) No.177(SH)2010

The Syiem of Mylliem and Durbar,  
Represented by Shri Latho Manik Syiem,

Syiem of Myllem,  
S/o (L) G Diengdoh,  
Resident of Laitkor Nongdaneng,  
Shillong, Myllem Syiemship,  
East Khasi Hills District.

:Petitioner

Versus

1. The State of Meghalaya represented  
by the Commissioner & Secretary,  
District Council Affairs Department,  
Shillong.
2. Khasi Hills Autonomous District Council,  
Shillong.
3. Executive Committee,  
Khasi Hills Autonomous District Council,  
Shillong, represented by its Secretary.
4. Shri Kitboklang Nongphlang,  
Information Secretary, FKJGP,  
Upper Shillong, Mawklot,  
PO Nonglyer, BPO Mawklot, Shillong.
5. The Chief Information Commissioner,  
Meghalaya Information Commission,  
Shillong.

:Respondents

BEFORE  
THE HON'BLE MR JUSTICE T VAIPHEI

For the petitioner

: Mr HS Thangkhiew,  
Mr P Nongbri,

Mr N Mozika,  
Advocates

For the respondents

: Mr KS Kynjing, AG Megh.  
Mr VGK Kynta, SC KHADC

Date of hearing

: 02.08.2010

Date of judgment and order

: 13<sup>th</sup> August, 2010.

## **JUDGMENT AND ORDER**

1. In this writ petition, this Court is called upon to consider a question of public importance as to whether the Syiem of Myllem is a public authority within the meaning of Section 2(h) of the Right to Information Act, 2005 (“the RTI Act” for short). The genesis of the controversy is the application filed by the respondent No.4 under Section 6 of the Act before the Public Information Officer (PIO) of the Khasi Hills Autonomous District Council (KHADC) seeking information in the matters ranging from the finances and accounts of the Syiemship for the years 2006-2009 to issuance of land leases; toll collection from forest resources such as trees, bamboos, charcoal, brooms, etc. to accounts and details with regard to stone quarries, sand, etc; from toll collection of water to details with regard to the lands belonging to the Syiemship in various places; from construction of building on the road leading to Die-lang to the total number of dustbins; from bio-datas of the Employees (Staff, Police, Peon, Sweeper, etc.) under the Syiemship along with their appointment letters to details about individuals from outside and mixed race employed in the Office of the Syiemship, etc. On receipt of the application, the PIO called for the information sought for from the appropriate authorities. The petitioner by his letter dated 1-3-2010 informed the PIO of his inability to do so as the institution of the Syiem of Myllem and his Durbar do not come within the purview of the Act. This was conveyed by the respondent No.4 to the petitioner. The respondent No.4 thereupon took the matter to appeal before the Meghalaya Information Commission (respondent 5), but the latter rejected the appeal vide the order dated 23-3-2010 on the ground that the respondent No.4 had not exhausted the statutory departmental appeal provided for by the Act. This led the respondent No.4 to approach the departmental appellate authority in the KHADC, Shillong. The departmental appellate authority disposed of the appeal on 26-4-2010 by holding that the office of the petitioner falls within the meaning of “public authority” under Section 2(h) of the RTI Act and that the petitioner was liable to disclose the information sought for by the respondent No.4.
2. Aggrieved by the order dated 26-4-2010 of the departmental appellate authority, the petitioner preferred an appeal before the Meghalaya State Information Commission at Shillong (“MSIC” for short), which was registered as MIC/Appeal/9/2010/71. It would appear that the respondent No.4 also preferred an appeal against the order of MSIC,

which was numbered as MIC/Appeal/9/2010/53. Both the appeals were taken up together by the MSIC for consolidated hearing. The MSIC by the order dated 15-6-2010 disposed of both the appeals by upholding the view taken by the departmental appellate authority that “the Syiem of Myllem has been established or constituted under the Constitution of India and is, therefore, a public authority under the RTI Act” and directed the petitioner to furnish the information sought for to the respondent No.4 within a period of 20 days. The MSIC also rejected the plea taken by the petitioner that he is entitled to exemption on the ground that the information sought for was available to him in his fiduciary relation. This prompted the petitioner to file this writ petition. The MSIC, in coming to the conclusion that the petitioner is a public authority under the RTI Act, took into account the following facts:

- (a) The Apex Court in *T. Cajee v. U Jormanik Syiem*, AIR 1961 SC 276, has held that the Office of the Syiem, by virtue of his appointment in the first instant by the Governor and letter of confirmation by the District Council, on terms which had been indicated to him was no more than an administrative officer appointed by the District Council by virtue of the powers under para 2(4) of the Sixth Schedule to the Constitution of India and was working under its control; (b) the Sanad dated 1-3-2007 issued to the petitioner by the District Council had laid down the conditions for his appointment, which would show that he was required to act under the direction and control of the District Council, to observe and implement the orders and directions of the District Council, to carry out the administration of the Syiemship in accordance with the laws and the rules passed/framed and being passed/framed by the District Council from time to time, to furnish the budget of the Syiemship to the District Council for its approval and to submit the quarterly statements to the District Council and that the District Council under para 3(1)(g) of the Sixth Schedule to the Constitution is empowered to make laws with respect to the appointment of succession of chief or headman and has accordingly enacted and enforced the Khasi Hills Autonomous District Council (Appointment and Succession of Syiem, Deputy Syiem, Electors and Rangbah Shnong of Myllem Syiemship) Act, 2007 (the Act of 2007). The MSIC, while agreeing with the view taken by the Departmental Appellate Authority, observed that without the provision of para 3(1)(g) of the Sixth Schedule,

the Office of the Syiem of Myllem Syiemship would not have been in existence in the form it is today.

3. Mr. H.S. Thangkiew, the learned counsel for the petitioner, seriously and vehemently disputes the correctness of the views taken by the MSIC by contending, firstly, that the Syiem of Myllem is a tribal customary institution and has been in existence since time immemorial, is neither established nor constituted under the Sixth Schedule to the Constitution or under any provision of the Constitution or under any law made by the Parliament or the State Legislature or by any notification or order issued by the Union or the State Government or under the Act of 2007 and does not, therefore, come within the purview of “public authority” within the meaning of Section 2(h) of the RTI Act. It is his contention that the MSIC has failed to appreciate that the Act of 2007 only deals with the mode and manner of appointment and succession of the traditional chiefs (including the Syiem) and not the power of appointment or succession of chiefs, which, by the traditional nature of the office, have independent existence of their own: the power of appointment cannot be equated with the mode and manner of appointment or succession of chiefs. It is also contended by the learned counsel that the Syiem cannot act on his own but acts collectively with his Executive Durbar in the discharge of his functions as the executive powers vests in the Syiem and his Executive Darbar. The learned counsel maintains that the application of the ratio in *T. Cajee v. Jormanik Syiem, AIR 1961 SCC 276* by the MSIC, which was concerned with the service conditions of the Syiem, in the context of RTI Act, is misplaced and misconceived. According to the learned counsel, the MSIC has failed to appreciate that the institution of Syiem does not receive any funding from public money or revenue, is generating its own resources and apply the same for its sustenance and maintenance: it is not financed from any public funds. Lastly, the learned counsel argues that Section 8(1)(e) of the RTI Act exempts the information available to the petitioner in his fiduciary relationship and the MSIC came to the erroneous conclusion by completely overlooking this vital aspect concerning the office of the Syiem. He, therefore, strenuously urges this Court to hold that the petitioner is not a public authority within the meaning of Section 2(h) of RTI Act and accordingly quash the impugned order.

4. Mr. K.S. Kynjing, the learned Advocate General of Meghalaya, however, submits that the impugned order does not suffer from any infirmity and is perfectly in accord with the policy and object of the RTI Act to ensure transparency and remove corruption in every office discharging public duties and functions. According to the learned Advocate General, the Syiem of Myllem holds an office to which certain duties of public character are attached and once it is accepted that the Syiem holds an office to which certain duties of public character are attached, the inference is inevitable and the conclusion irresistible that the Syiem is a public authority. In support of his contentions, he refers to the decision of this Court *in Ka Ivory Shabong v. Ka Kheri Synrem, (1990) 1 GLR 340* and the celebrated decision of the Full Bench of the Delhi High Court in *Secretary General, Supreme Court of India v. Subhash Chandra Agarwal, LPA No. 501/2009*. While supporting the submissions of the learned Advocate General, Mr. VGK Kynta, the learned counsel for the District Council, contends that as the Petitioner is discharging executive and judicial functions, there is absolutely no reason as to why he cannot be held to be a public authority. He further submits that as the office of Syiem is an officer appointed by the District Council to carry on the administration, he is certainly an officer under the Khasi Hills Autonomous Act, which, in turn, is admittedly a public authority. In support of his contentions, learned counsel relies on the following decisions of the various High Courts: (a) *M. i v. Khasi Hills Autonomous District Council, 2001 (2) GLT 356*; (b) *Sri Bhavana ii Co-op House Building Secy. V. A.P. Information Commission, AIR 2010 A.P.*; (c) *Poorna Praja Public School v. Central Information Commissioner & ors., AIR 2010 (NOC) 728 (Del.)* and (d) *Bangalore International Airport Limited v. Karnataka Information Commission & ors., AIR 2010 (NOC) 729 (Kar)*.

The submissions advanced by the learned counsel appearing for the rival parties have been duly noted. I have also gone through the decisions cited at the bar. In my judgment, there is no ground for interference in the impugned order. The Division Bench of this Court in *Ka Ivory Shabong case* (supra), though in different context, had an occasion to consider the status and duties of the Chief (Syiem) and observed:

**“3. The above referred to provisions [Rule 7(2) of the United Khasi-Jaintia Hills Autonomous District (Appointment and Succession of Chiefs and**



**Headman Act, 1959] indicate that the Chief is appointed by the Executive Committee after the election or nomination. The conditions of service of a Chief are regulated by the Act are regulated by the Act. As already stated, in Section 6, the word ‘office’ had been employed. The Chiefs enjoy statutory status and have to perform judicial and administrative duties. Therefore, we are of the view that a Chief holds a position to which certain duties of public character are attached, i.e. a Chief is to perform certain duties and discharge certain obligations of a public character. For this reason, we hold that the person who is appointed as the Chief holds an office, but the Chief does not hold under the State Government.”**

In the year 2007, the Khasi Hills Autonomous District Council enacted a new Act called the Khasi Hills Autonomous District (Appointment and Succession of Syiem, Deputy Syiem, Electors and Headmen and Rangbah Shnong of Myllichem Syiemship) Act, 2007 (‘the Act’ for short) to make provisions for the appointment and succession of the Syiem, Deputy Syiem, Electors and Headmen of Myllichem Syiemship. Section 4(7) of the Act lays down the procedure for election and confirmation of the Syiem, which says that the confirmation/election of the Syiem shall be determined by counting of heads and that a candidate who wins a simple majority of the votes of the electors present and voting, shall be declared elected and his name shall be recommended for issuing of Appointment Order or Sanad. Section 5 then deals with the appointment and succession of the Syiem, which reads thus:

**“5. Appointment and Succession of the Syiem:-**

**On the basis of the result referred to Section 4 of this Act, the Executive Committee shall recommend the appointment and succession of the confirmed/elected Syiem to the next Session of the District Council and after approval of the Council shall forthwith issue appointment order under such terms and conditions as the Executive Committee may provide and not inconsistent with the provisions of this Act.”**

Paragraph 3(1)(g) of the Sixth Schedule to the Constitution of India confers upon the District Council the power to make laws for the appointment or succession of Chiefs or Headmen and the same is in the following terms:



**and includes any-**

**(i) body owned, controlled or substantially financed;**

**(ii) non-Government organization substantially financed, directly or indirectly by funds provided by the appropriate Government;”**

7. A combined reading of paragraph 3(h) of the Sixth Schedule to the Constitution and Section 5 of the Act passed by the District Council do not leave any room for doubt that the Syiem of Myllem is one of the recognized authorities under the Constitution. In my opinion, Section 3(h) of the RTI Act defines a public authority to mean, among others, any authority or body or institution of self government established or constituted by or under the Constitution. Even if we assume that the Syiem of Myllem is not established or constituted by the Constitution, it is certainly a public authority constituted under the Constitution of India. The Legislature has consciously used the word “under” in addition to the word “or” in Section 3(h) of the RTI Act so as to include an authority or a body or an institution of self government within the ambit of the term “public authority”. In other words, by using the word “or under the Constitution”, the Parliament was aware of the fact that there can be some authority, body or institution of self government, which are not established or constituted by the Constitution but are nevertheless discharging public duties and functions. It is obviously with a view to rope in these authorities or bodies or institutions of self government within the scope of the term “public authority” that the Parliament deliberately has added the words “or under the Constitution in Section 3(h). The preamble to the RTI Act indicates that the RTI Act is to provide for setting out the practical regime of right to information for citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority. Democracy requires an informed citizenry and transparency of information which are vital to its functioning and also to contain corruption and to hold the Government and their instrumentalities accountable to the governed. Revelation of information in actual practice is likely to conflict with other public interests including efficient operations of the Governments, optimum use of limited fiscal resources and the preservation of confidentialities of sensitive information. It is with a view to harmonize these conflicting interests while preserving the paramountcy of the democratic ideal that the RTI Act came to be enacted by the

Parliament. The District Council has been established under the Sixth Schedule to the Constitution to promote self-governance to the people of Meghalaya. In the discharge of its functions of self-government, the Syiem of Myllem plays a vital role as evidenced from the appointment order issued by the District, which are as follows:

- “1. You shall assume Office and function as the Syiem your entire lifetime unless removed from your Office for exceeding in your jurisdiction or for any other ground.
2. You shall be under the monitoring of the District Council, Khasi Hills and you are to abide by the orders issued by the Chief Executive Member, or any Executive Member, or any Officer authorized in that regard and you are to consult them in the event of any difficulty.
3. In the administration the Syiem shall be assisted by an Executive Durbar members of which shall be Myntri/Lyngdoh and also elders of the Hima in case of customary practice and their names shall have to be forwarded to the Executive Committee for approval before the Executive Durbar can start functioning.
4. That you shall administer the Hima in accordance with the Rules and Laws that the District Council has enacted and those that shall be enacted in future and in absence of the same you shall administer in accordance with the customary practices prevailing.
5. In connection with judicial work you shall have to appoint Judicial Durbar/Village Court as per Rule 5 of the United Khasi Jaintia Hills Autonomous District (Administration of Justice) Rules, 1953 as amended till date. The names of the members of the Durbar/Village Court will have to be forwarded to the Executive Member, Khasi Hills Autonomous District Council so that they can be approved before commencing with its functioning. The judicial proceedings both criminal and civil shall be conducted in accordance with the Rules as above.
6. (a) That you shall prepare the budget, showing the revenue and expenditure of the Hima every year in the month of December and the same be sent to this office, for the following Financial Year so as to enable this office to scrutinize and advise on the same. The Budget estimate as stated above, shall be given effect to unless approved by this office.

(b) The budget for the year 2007-2009 shall be sent within the 31<sup>st</sup> March 2007.

7. That you shall maintain the proper accounts of revenue and expenditure of the Hima and at the end of three months you shall send a statement showing the revenue and expenditure of every month of this Office.

8. That you shall reside in any village falling within Hima Myllem.

9. That you shall set up an office in any of the villages within Hima Myllem.

10. As long as you are holding the post of Syiem you shall not contravene sections 13, 13.14 and 15 of the United Khasi Jaintia Autonomous District (Appointment of Chiefs and Headmen) Act, 1959 as amended till date.

11. You shall regularly pay the one eight share (1/8) of the revenue of the Hima to this Office within the month of April every year.

12. That the conditions as enumerated above are subject to change or amendment. Additional conditions may also be imposed at any time if this Office appears expedient to do so.

13. You are liable to punishment or removal from the post of Syiem at any time, in the event you or the Durbar are found violating any of the conditions as aforesaid or in accordance with section 6 of the United Khasi Jaintia Autonomous District (Appointment of Chiefs and Headmen) Act, 1959 as amended till date.”

8. Even a cursory look at the foregoing will plainly show that the Syiem is not only holding an important public office, but is rather one of the pivots around which revolves the self government system of the District Council. The institution of Syiem is certainly a pre-constitution office, but on the coming into force of the Constitution of India, the institution continues to be recognized as evident from paragraph 3(h) of the Sixth Schedule to the Constitution and the Khasi Hills Autonomous District (Appointment and Succession of Syiem, Deputy Syiem, Electors and Rangbah Shnong) Act, 2007 enacted thereunder. Thus, on the coming into force of the Constitution, the District Council has been entrusted and empowered by the Constitution to legislate on the mode and manner of appointment of the Syiem. The contention of Mr.H.S. Thangkhiew, the learned counsel for the petitioner that the mode and manner of appointment of Syiem cannot be confused with the power of his appointment, which is not there under the Constitution, in my opinion, is completely answered by the Apex Court as early as 1961 in T.Cajee case

(supra) in the paragraphs 8 and 10 of the judgement, the relevant portions are reproduced hereunder:

**“8..... It is clear from what we have said above that the Myntri electors in this particular case used to elect a person and their election amounted to a nomination of that person for the approval of the Governor to the Syiemship of Myllichem; but until the Governor of the nomination and appointed the person so nominated to the Syiemship he could not hold office as Syiem of Myllichem. The position, therefore, just after the coming into force of the Constitution was that the Governor was charged with the administration of the autonomous districts till the District Councils came into existence and that carried with the power to appoint officers to carry on the administration. The appointment, therefore, of the respondent as Syiem of Myllichem was made by virtue of the Governor’s power under paragraph 19 and the respondent derived his power as Syiem from that appointment and could not claim any power outside that appointment. The Governor of course made it clear that the appointment was subject to confirmation of the District Council when it came into being, for the Governor’s powers at the time of the appointment were from paragraph 19 and were transitional only. That is why it was said that the appointment was subject confirmation by the District Council. Therefore, when the District Council came into existence in June, 1952, it, in due course, in exercise of its administrative powers under paragraph 2(4), considered the question of confirmation of the appointment made by the Governor in 1951 and confirmed the respondent’s appointment as Syiem of Myllichem and communicated to him along with the terms on which the confirmation was made. Besides the financial clauses, one of the terms provided that the Syiem shall be subject to the control of the District Council and shall carry out all the orders issued to him from time to time by the District Council or its officers acting for and on behalf of the District Council. It was also provided that the Syiem shall conduct himself in accordance with the customs and usages approved by the District Council and in accordance with the rules,**

laws and regulations that the District Council may issue from time to time. Another term provided that the Syiem and other shall be liable for removal from their office by the order of the District Council if that body was satisfied that any of them did not discharge his duties properly or had been acting in a manner prejudicial to the interest of the Syiemship or the District Council in general or had been conducting himself with indecorum; and such order passed by the District shall be final. Therefore, after 1953, the respondent continued in the office of Syiem by virtue of this confirmation by the District Council.

9.....The position therefore that emerges on consideration of the three orders of 1951, 1953 and 1955 is that the respondent was holding the office of the Syiem by virtue of his appointment in the first instance by the Governor and its later confirmation by the District Council on terms which had been communicated to him and was thus no more than an administrative officer appointed by the District Council by virtue of its powers under paragraph 2(4) of the Schedule and working under its control.”

9. Though that was position obtained in 1961, no substantial changes in the law with respect to the appointment of the Syiem have been made by the District Council when it enacted the Khasi Hills Autonomous District (Appointment and Succession of Syiem, Deputy Syiem, Electors and Rangbah Shnong) Act, 2007, the relevant portions whereof were reproduced earlier. The appointment/election of the Syiem under Section 4(7) of this Act is still subject to confirmation by the District Council under Section 5 of the Act. The election of the Syiem by the electors under Section 4(7) of the Act merely amounts to a nomination of that person for the confirmation of the District Council but until the District Council confirms his nomination, he cannot hold the office of Syiem of Myliem, and cannot claim any power, outside that appointment. Resultantly, there is no difficulty in holding that the institution of Syiem is established or constituted by or under the Constitution. As for the other contention of the learned counsel for the petitioner that the executive powers of the Syiemship vest in the Syiem and his Durbars, and the Syiem alone cannot be considered to be a public authority, the submission is noted only to be summarily rejected inasmuch as it is the office of the Syiem, which is referred to in the

Constitution as well as the Act: the Durbar is appointed by him to assist him in the discharge of his functions and has no independent existence of its own whereas the office of the Syiem has an independent existence of its own though within and under the Constitution. It is again contended by the learned counsel for the petitioner that the MSIC has failed to appreciate that Section 8(1) of the RTI Act exempts a concerned authority and places it under no obligation to provide any information available to a person in his fiduciary relationship. Section 8(1)(e) of the RTI Act is the relevant provision which reads thus:

“8. Exemption from disclosure of information.- (1) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen,-

(e) information available to a person in his fiduciary relationship, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information;”

10. The term “fiduciary” is defined by Waker in Oxford Companion to Law, 1980 p.469 to mean a person in a position of trust or occupying a position of power and confidence with respect to another such that he is obliged by various rules of law to act solely in the interest of other, whose right has to protect. He may not make any profit or advantage from the relationship without full disclosure. The category includes trustees, Company promoters and directors, guardians, solicitors and clients and other similarly situated.” The Delhi High Court in *Subhash Chandra Agarwal* (supra) observed:

**“104. In U.K., the Freedom of Information Act 2000 exempts the information from disclosure where it was obtained by a public authority from any other person and the disclosure of the information to the public by public authority would constitute the actionable breach of confidence. Similar provisions are made in the information laws of USA, New Zealand, Australia, Canada, etc. However, as pointed out by Phillip Coppel, a public interest defense is available to a claim of breach of confidence. Therefore, a consideration of the public interest is required to determine whether disclosure would constitute an actionable breach of confidence. In addition, so far as government secrets are concerned, the Crown is not entitled to restrain disclosure or to obtain redress on confidentiality grounds unless it can establish that disclosure has**



**damaged or would be likely to damage the public interest. [Phillip Coppel's Information Rights' pg.836-837]**

11. Now, under that circumstances, the petitioner claims fiduciary relationship and with whom, are not pleaded. There is no whisper of statement made by the petitioner that the information sought for was available to him in his fiduciary relationship. On the basis of such vague statements, it is not possible for him to examine this point raised by the petitioner. Therefore, this contention of the learned counsel for the petitioner also fails. Lastly, it is contended by him that the petitioner, in the absence of adequate fund and personnel, cannot implement the provisions of the RTI: with the skeleton staff at his disposal, it will be virtually impossible for him to furnish the information sought for which runs into hundred of pages. In my opinion, the difficulty in the implementation of a particular legislation cannot be a ground for giving a go-by to such legislation. The petitioner, as a responsible public authority, is expected to and, must find ways and means to implement the provisions of the RTI Act: it is his statutory duty, and he cannot ignore his statutory duties. In the view that I have taken, the impugned order does not suffer from any infirmity calling for the interference of this Court.
12. The result of the foregoing discussion is that there is no merit in this writ petition, which is hereby dismissed. However, on the facts and in the circumstances of the case, I direct the parties to bear their respective costs. The interim order stands vacated.

Sd/-  
**T.Vaiphei,**  
**JUDGE**

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**Compensation Awarded by the Commission**

**MEGHALAYA STATE**

**INFORMATION COMMISSION, SHILLONG**

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**No.MIC/Complaint/9/2010/59,**

Shri L.Khongshei of Laitmawsiang Village, Sohra & others - Complainants

-Vrs-

Shri C.D.Kharkongor, D.A.O., East Khasi Hills, Shillong & P.I.O. - Respondent

**11-3-2010**

**ORDER**

The Respondent-PIO is present in the Commission today. The complainants are also present.

The Respondent-PIO filed the show cause in response to this Commission's Order dated 23-2-2010.

The case of the complainant is that, he had filed an R.T.I. application dated 6-11-2009 addressed to the PIO through the APIO viz., Smti A.B.Lyngdoh, SDAO/APIO, Sohra which was received by her on the same day. Failing to receive the information within the statutory period of 30 days they had preferred an appeal before the DAA vide letter dated 6-1-2010, but the DAA did not pass any Order on their appeal within the statutory period of 30 days. However, on 12-2-2010, the PIO informed them that the information will be made available on 15-2-2010. When they visited his office on that date the complainants found that the PIO was not present in his office but sent the information to the SDAO, Sohra who is the APIO. They have refused to receive the information on the ground that they have not been allowed to inspect the original documents as requested and on being asked by the APIO to pay the fees for copies etc. They also claimed that certain information furnished were not complete.

Having failed to receive the information, which they have requested for and in view of the violation of Law by the Public Authority, they have filed the instant complaint before the Commission.

The Respondent-PIO in his show cause stated that the original R.T.I. application dated 6-11-2009 which addressed to the PIO was filed by the complainant before the SDAO/APIO which was received by her on the same date. However, the APIO did not forward the same to the PIO within the time specified by Law and even till date. As a result, he could act on the application in time. He, however received a copy of the R.T.I. request from the Joint Director, Agriculture (R&T) forwarded to him vide letter DAD/1121/PT-4/2008-2009/2009-2010/12 dated 21-1-2010 on the same matter. On 27-1-2010 he had asked the SDAO/APIO, Sohra to expedite furnishing the material for information which lies in her custody. On 15-2-2010 the SDAO/APIO furnished the reply to the complainants but they refused to receive. According to him the failure to furnish the information in time is due to the fact that the R.T.I. application addressed to him remained in the custody of the APIO and did not reach him till date. Secondly, the information required by the complainants is not immediately available in his office and he had to call for materials from the SDAO/APIO, Sohra which she could furnish only on 15-2-2010. He further informed the Commission that for failure to comply with the provisions of the R.T.I. Act, he had already called an explanation from the SDAO/APIO, Sohra and on receipt of her explanation he had sent it to the Directorate, Agriculture for necessary action. He therefore submitted that it was not his intention to deny the information to the complainants and that the failure to furnish in time is occasioned by circumstances stated.

The APIO who is present in the Commission today, in response to the Commission's query admitted that she had not taken any action on the R.T.I. application received by her from the complainants. She pleaded ignorance of the provisions of the Law and the statutory action which should have been taken by her on the R.T.I. application.

Heard the complainants who confirmed the contents of their complaint petition.

Having heard both the parties, the Commission found that the APIO, the PIO and also the DAA had failed to discharge their respective duties under the provision of R.T.I. Act. The APIO pleaded ignorance of the Law. The PIO called a meeting to discuss implementation

of the Projects instead of furnishing the information, denied inspection of original documents as requested by the complainants and demanded payment of fees on the cost of copies amounting to Rs.290/- which is contrary to the provision of the Law. The DAA had also failed to dispose of the appeal dated 6-1-2010 filed by the complainants under the provisions of the R.T.I. Act.

In view of the above, the Commission decided as follows:

- (1) The PIO shall allow the complainants to inspect the original documents required by them on 12-3-2010 and furnish them the information on the same day, free of cost.
- (2) The Public Authority viz., the Directorate of Agriculture, Govt. of Meghalaya will pay an amount of **Rs.2500/-** as compensation to the complainants for the detriments and hardship suffered by them within a period of 30 (thirty) days from the date of this Order, with intimation to this Commission.
- (3) The Department of Agriculture, Govt. of Meghalaya should draw up a Disciplinary Proceedings against Smti A.B.Lyngdoh, SDAO, Sohra and APIO for failure to perform her duties under the R.T.I. Act, with intimation to this Commission of the result of the Disciplinary Proceedings.

Case disposed of.

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

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**No.MIC/Complaint/27/2010/54**

Shri Jayanta Chakraborty, Lower Lumparing, Shillong - Complainant

- Vrs -

P.I.O. viz., the Principal, Bengali Boys Higher Secondary School, Laban, Shillong - Respondent

**6-9-2010**

**ORDER**

Shri G.K.Das, the Respondent-PIO and Principal Laban Bengali Boys Higher Secondary School Shillong and Smti Supti Bhattacharjee, office assistant of the school are present in the Commission today. The Complainant, Shri Jayanta Chakraborty is also present. In continuation of the previous hearings, the appearance by Smti Supti Bhattacharjee, office assistant has been required by the Commission for verification of signatures, which the Complainant claimed that a copy of the acknowledgement to his joining report bears a resemblance of the signature of Smti Bhattacharjee.

The case of the Complainant is that, he had file an RTI application dated 9.3.2009 before the Principal Laban Bengali Boys Higher Secondary School and PIO along with the requisite amount of application fees.

However, the Respondent-PIO did not furnish the information nor responded to the complainant within the time period specified by Law.

It appears from the records that the complainant had moved an appeal to the First Appellate Authority viz., the Inspector of Schools, East Khasi Hills, Shillong on 6-5-2009 which, however, did not invoke any response. He had, then gone up in appeal to the Director, Higher & Technical Education, on 18-6-2009. On getting no relief, he had even gone up to the Commissioner & Secretary Education Department, Government of Meghalaya with the same appeal on 7-8-2009. However, from sustained labour he had put in, he had been able to acquired only part of the information, that too till the month of August, 2009. He had persisted to seek the help of the higher authority in the Department to secure the information. It however appears that the process of dialogue with the Department continued till 10<sup>th</sup> June, 2010. Finding no other means to secure complete information through the Department he had filed an instant appeal before this Commission.

In the instant case, the complainant had produced ample evidence that he had submitted the application along with the postal order of Rs.10/- to the P.I.O. as required under the Law. Having awaited for 30 days to receive any decision from the P.I.O., but failed, the P.I.O. is deemed to have refused the request under Section 7 (2) of the R.T.I. Act. Refusal of access to information it is a valid ground for complaint under section 18 (1) (b) (c) of

the R.T.I. Act. Hence this Commission decided to register the instant petition as a complaint for denying and refusal of information by the P.I.O.

Having inquired into the Complaint and having heard the parties concerned, on 10.8.2010, 24.8.2010 and 31.8.2010, and today the 6.9.2010, the findings of the Commission are as follows:

1. The Complainant vide RTI application dated 9.3.2009, made request for the following information from the PIO viz. the Principal Laban Bengali Boys Higher Secondary School, Shillong, viz.
  - (1) A copy of the proceedings of the school management committee showing the names of Managing Committee Members/Teachers experts/Inspector of School or his nominee present for the conduct of interview for the post of teachers of the school, 2008.
  - (2) Copy of school acquaintance register (salary register) showing disbursement of salary to teachers appointed on Adhoc/Part time/Contractual basis during the said period.
  - (3) Copy of my joining report.
  - (4) Copy of curriculum vitae of (Bikramjit Das).
  - (5) Copy of my appointment letter.
2. The above RTI application was duly received by the PIO. However, the PIO failed to furnish him the information within the statutory period, which therefore, amounts to deemed refusal of the request. In such a case, the Complainant should have approached the Commission with a complaint petition for refusal of information. However, the Complainant preferred the First Appeal before the First Appellate Authority viz. the Inspector of school, East Khasi Hills District, Shillong vide letter dated 6<sup>th</sup> May 2009 which is well within the statutory period of appeal. Finding that the First Appellate Authority did not give any decision on his appeal, he had moved another appeal before the Director Higher and Technical Education Government of Meghalaya on 18<sup>th</sup> June 2009 requesting the Director to instruct the concerned authority to furnish the information sought by him. It appears that on 30<sup>th</sup> June 2009 vide his office letter no.DHTE/MISC/8/2005/Pt-3/114 the Director Higher and Technical Education

Meghalaya, Shillong did passed some instruction to the First Appellate Authority for disposal of the appeal.

Not receiving any decision by the First Appellate authority, he had written to the commissioner Secretary, Education Department Government of Meghalaya on 7.8.2009 for directing the concerned authority to dispose of his earlier application. And vide letter No.EDN/209/2008/7 dated 2.8.2009, the Deputy Secretary to the Government of Meghalaya, Education Department directed the Director, Higher and Technical Education to instruct the first appellate authority to dispose of the appeal. And accordingly, the Director Higher and Technical Education vide letter No.DHTE/MISC/8/2005/Pt-3/219 dated 7.9.2009 directed the First Appellate Authority viz. the Inspector of School to take necessary action and vide letter IS/RTI/LBHSS/2009/13321-22 dated 19.10.2009, the First Appellate Authority directed the Respondent PIO to furnish full information within 15 days.

3. From the show cause received from the respondent PIO it appears that he took over charge as Principal of the school and hence PIO on 1.6.2009 on retirement of the then Principal. He claimed that nobody informed him of the pending RTI request from the Complainant. It was only in the middle of August 2009 that he received a telephone call from the Commissioner and Secretary Education, Government of Meghalaya asking him to furnish the information to the Complainant. It was only then that he came to know of the pendency of the RTI application. On enquiring, he came to know that the RTI application was in the custody of the President of the Managing Committee of the school and it was only on 19<sup>th</sup> August 2009 that he received it from the President of the Managing Committee. After he collected some of the information required he had furnished the relevant information available at his disposal on 26.8.2009.

Not receiving the full information, the Complainant had made the second appeal to the Director Higher and Technical Education, and the Director without any legal jurisdiction proceeded to hear the second appeal which could not be completed inspite of four hearings fixed by him on 10.12.2009, 12.1.2010, 15.2.2010 and 15.4.2010.

4. Having thus failed to receive full information from the concerned public authority, he had approached the Commission as a last resort. It was admitted by the Complainant

during enquiry that he received information on item 1 and 2 of the request, but he did not received full information of his request on items 3,4 and 5.

5. On enquiry, the Commission was informed by the respondent - PIO that the Complainant was only a part time teacher of the school for 9 days and in such cases, no appointment letter was issued. Hence the copy of his appointment letter does not exist. The Commission does not have evidence on record to prove otherwise. Hence the submission of the PIO is accepted.
6. Regarding information at item no.4 viz. copy of curriculum vitae Bikramjit Das, the Commission is of the view this is a purely personal information, the disclosure of such has no relationship to any public activity or interest and, is therefore, exempted under the provision of section 8 (j) of the RTI Act.
7. Regarding item no.3 namely copy of his joining report, the respondent PIO denied its existence on the record of the school authority, stating that normally no such joining report is ever called from part time teachers. Only the acquittance register or the salary register, indicates attendance of duties by such appointees and that the same was only furnished to him. This was admitted by the Complainant. The Complainant however, produce a copy of his joining report which bears the signatures of some person with the seal of the school on it, claiming therefore, that the original information is available with the PIO and that he was denied the information. The respondent PIO was asked to verify whether the signature tallied with that of any of his office assistants or the then Headmaster or anybody in the school working in responsible capacity to receive the joining report of the Complainant. The respondent PIO denied that the signature on the copy belonged to any of his staff or the ex-Principal and PIO of the school.

The Commission had asked the PIO to provide documents containing signatures of the then Headmaster, and the office assistants of the school for comparing with the signature of acknowledgement appearing on the copy available with the Complainant. Having examined the signatures the complainant claimed that the signatures of one Smti Supti Bhattacharjee office assistant bears some resemblance. The concern office assistant testified before the Commission that it was not her signature and she never received such joining report.



On examination of several signatures of Smti Supti Bhattacharjee the Complainant also agreed that it was not the same signature that was given on his copy of the joining report.

Such being the case, the Commission was not fully satisfied with the copy of the joining report claimed by the Complainant to have been received by the school. It was doubtful if it was duly received by any responsible official of the school. The Commission therefore, gave the PIO the benefit of the doubts.

8. The case of the Complainant has taken a long time of almost 1 year and 6 months since the filling of the RTI request for disposal due to wrong procedures adopted not only by the Complainant but also by the Departmental authorities. The First Appellate Authority furnished a wrong statement pertaining of the RTI application dated 20-08-2008 which is uncalled for. This shows the amount of confusion at the level of the Appellate Authority. The Director Higher & Technical Education is an Appellate Authority for information of which the Inspector of School is the PIO but he has no jurisdiction to assume such authority of appeal over the matter which the Inspector of School is the Appellate Authority. Because of such wrong procedure the appellant has had to run from pillar to post to obtain the information requested by him. This undoubtedly caused the complainant to suffer loss or detriment for which the public authority viz., the Directorate of School Education and Literacy was asked to show cause why an amount of Rs.2500/- should not be awarded as compensation under section 19(8)(b) of the RTI Act. Since the public authority has not come forward to show cause, this Commission decided to award a compensation amounting Rs.2500/- only to the Complainant for the detriment suffered. The public authority, i.e. the present Director of School Education and Literacy, Government of Meghalaya shall pay the above compensation to the Complainant within a period of 2 months time from the date of this order with intimation to this Commission.
9. Regarding delay in furnishing the information, the present respondent - PIO and Headmaster of the School has acted expeditiously in furnishing the information when the matter was made known to him. He is not, therefore, liable for any penalty under the law. The delay has been caused by the ex-Headmaster of the school who had retired from the service and by retention of the application in the custody of the

President of the school Managing Committee. Since nobody informed about the address of the then Principal/PIO who had now retired from the school and settled down in some other states, the Commission does not like to follow up with the case.

Case disposed of.

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

...  
**No.MIC/Complaint/27/2010/55**

Shri Jayanta Chakraborty, Lower Lumparing, Shillong - Complainant

- Vrs -

P.I.O. viz., the Principal, Bengali Boys Higher Secondary School, Laban, Shillong - Respondent

**18-11-2010**

**ORDER**

Seen petition dated 16.11.2010 from the appellant, Shri Jayanta Chakraborty who reported failure of the Public authority i.e., the Director School Education and Literacy Government of Meghalaya to comply with this Commission's order dated, 6.9.2010.

By its order on the above date the Commission has awarded an amount of Rs.2,500/- as compensation to be paid to the appellant by the Director School Education and Literacy Government of Meghalaya. It appears from the above petition that the Director had not complied with that order.

Let the Director School Education and Literacy Meghalaya, submit a report on failure to comply with the above order of this Commission.

**Fix 9.12.2010** for the report.

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

...

**No.MIC/Complaint/27/2010/56**

Shri Jayanta Chakraborty, Lower Lumparing, Shillong - Complainant

- Vrs -

P.I.O. viz., the Principal, Bengali Boys Higher Secondary School, Laban, Shillong - Respondent

**20-12-2010**

**ORDER**

This Commission vide order dated 18.11.2010 has called for a report from the public authority namely the Director, School Education and Literacy, Government of Meghalaya on failure to comply with the order dated 6-11-2010 of the Commission. The date for the report was fixed on 9.12.2010. However the public authority namely the Director, School Education and Literacy has failed to comply with the direction of the Commission. The Commission feels that the end of justice would be met if the concerned public authority be given another chance for submitting the report.

**Fixed 11.1.2011** for the report.

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

...

**No.MIC/Complaint/27/2010/57**

Shri Jayanta Chakraborty, Lower Lumparing, Shillong - Complainant

- Vrs -

P.I.O. viz., the Principal, Bengali Boys Higher Secondary School, Laban, Shillong - Respondent

**24-1-2011**

**ORDER**

This Commission vide Order dated 8-11-2010 had called for a report from the head of the public authority, namely the Director, School Education and Literacy, Govt. of Meghalaya on his reported failure to comply with the Order dated 6-9-2010 of this

Commission requiring the public authority concerned to pay an amount of Rs.2500/- (Rupees two thousand five hundred) as compensation to the complainant within a period of two months, fixing 9-12-2010 for the report. Failure on the part of the public authority to file the necessary report on the above fixed date, this Commission had re-fixed 11-1-2011 for the report. However, the Director, School Education and Literacy, Govt. of Meghalaya has again failed to comply with the above Order of the Commission.

Prima facie, this Commission is of the view that the said functionary of public authority namely the Director, School Education and Literacy, Govt. of Meghalaya, Shillong has deliberately disobeyed the Order passed by this Commission under the provision of Law. It appears that the concerned functionary had completely overlooked the fact of the proceedings by this Commission are judicial proceedings, and under section 19(7) of the RTI Act its decisions are binding and that this Commission has been given the power under the Law to require any public authorities to take any such steps as may be necessary to secure compliance with the provision of the Act.

By willfully disobeying the Orders of this Commission, the Head of the public authority name the Director, School Education and Literacy, Govt. of Meghalaya, Shillong appears to have committed offences punishable under section 176 and 188, of the Indian Penal Code. Now, therefore, its ordered as follows:

- (1) The Director, School Education and Literacy, Department of Education, Govt. of Meghalaya shall appear in person and show cause as to,
  - (a) Why he be not prosecuted for committing the said offences and,
  - (b) why appropriate action shall not be recommended against him, to the appropriate authority concerned and,
  - (c) as to why further action/actions may not be taken as this Commission may deemed fit and proper.

**Fixed 7-2-2011 at 11:00AM** for appearance and show cause.

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

**No.MIC/Complaint/27/2010/59**

Shri Jayanta Chakraborty, Lower Lumparing, Shillong - Complainant

- Vrs -

P.I.O. viz., the Principal, Bengali Boys Higher Secondary School, Laban, Shillong - Respondent

**7-2-2011**

**ORDER**

The Director, School Education and Literacy, Govt. of Meghalaya is present in the Commission today.

Heard the Director, School Education and Literacy, Govt. of Meghalaya who submitted that he has already paid the compensation to the complainant and it was duly received by him. Documentary evident is produced before the Commission for the same. The Director, School Education and Literacy, Govt. of Meghalaya expressed regret for inability to comply with the Order of the Commission earlier due to the fact that the officer dealing with the case met with an accident and had to remained absent from duty for months.

The Commission accepted the show cause and cautioned the Director, School Education and Literacy, Govt. of Meghalaya not to cause such delay in future.

Case closed.

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

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**Penalties Awarded by the Commission**

**MEGHALAYA INFORMATION COMMISSION, SHILLONG**

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**No.MIC/Complaint/14/2010/17,**

Shri Julius Nongtdu, Vice President, H.N.Y.F., Khliehriat,  
Jaintia Hills

- Complainant

-Vrs-

PIO, Finance & Accounts Officer, J.H.A.D.C., Jowai

- Respondent

**28-5-2010**

**ORDER**

The Respondent is present before the Commission today, the complainant is also present. The Respondent filed the show cause in compliance with the Commission's Order dated 14-5-2010.

Heard the Respondent-PIO who submitted that the Departmental Inquiry constituted under rule 13 of the Jowai Autonomous District Fund, Rules, 1967 submitted its report on 21-3-2009. She also submitted that the enquiry is very preliminary and the actual amount of alleged misuse of the Council's Revenue Receipt collection will be finally known when the Accountant General (Audit) conducted the audit and reflected his findings through the report of the Comptroller and Auditor General of India. As such the Respondent contended that the information sought falls under the exemption listed at clause 8(h)&(i) of the R.T.I. Act. She also submitted that she had responded to the complainant vide letter No. JHADC/FIN/ACCTT/19/2009-2010/38 dated 30-3-2010 and that the delay in correspondence with the complainant is because of the heavy rush of work connected with revision of the scales of pay of the officials of the J.H.A.D.C., and also in processing the budget of the Council.

The complainant submitted that they have already obtained certain information from the Council through separate information requests earlier and that the information sought at para 3 relates to the incorrect reply receipt on item No. 4 of the earlier R.T.I. application.

Having heard both the parties, the Commission observed that out of three items of information sought vide the original R.T.I. dated 18-2-2010, item No. 3 relates to matter which is connected with the earlier R.T.I. request. The Commission is of the opinion that each R.T.I. request is to be considered as separate entity and treated separately.

The complainant had asked for the following information from the P.I.O., viz.,

(1) The actual amount that was misused, year-wise from 2001 to 2004 from the revenue collection of the Council as located by the Examiner of Accounts.

(2) Names, addresses, designation of the individuals involved, if any.

(3) No. of sittings, dates of sittings and minutes of the sittings of the Enquiry Committee set up by the Council to inquire into the misused on revenue collection of the Council.

According to the P.I.O., the information exists but final views are yet to be taken by the Council based on further investigation by the Inquiry Officer appointed under Rules 33 of the J.H.A.D.C., 1981.

The Commission observed that the information sought is about the findings of the Departmental Enquiry constituted on 2-7-2007 which has already submitted its report on 21-3-2009 and which report the Executive Committee of the Council had already gone through and decided to constitute an investigation by an Inquiry Officer to fix responsibility etc. Therefore, it is not a fact that the matter is in the process of enquiry attracting the exemption provision of Section 8(h)&(i) of the R.T.I. Act, 2005. Hence the exemption claimed by the P.I.O., is not relevant in this case.

The Commission also observed that the P.I.O. received the R.T.I. application on 18-2-2010, and responded denial of information on 30-3-2010 i.e. clearly 10 (ten) days after the expiry of the statutory period. The response denying the information is a three line letter. It does not involve much of the time and resources of the P.I.O. to furnish it. Therefore, the plea of the P.I.O. that she could not response to the complainant earlier due to busy schedule of work is not acceptable to this Commission.

In view of the above, the Commission decides as follows:

(1) The P.I.O. will allow inspection of the original documents by the complainant as requested by him on **3-6-2010 at 11:00 AM** and furnish copies of the information requested immediately not later than **7-6-2010**.

- (2) The information to be furnished should be on three items as listed in the original application dated 18-2-2010 and restated in this Order. Inspection will also be limited to the information requested.
- (3) The P.I.O. is liable to penalty under the Law for a delay of 10 days from 20-3-2010 to 30-3-2010 which is the dates of expiry of the statutory period of 30 days and the date of response to the complainant. Accordingly, the P.I.O. is hereby awarded a penalty of Rs.2500/- (Rupees two thousand five hundred) (10xRs.250/-). She is required to deposit the above amount to the Government Treasury at Jowai under the Head of Account “0070-Other Administrative Services etc., 60-Other Services, 118-Receipt under the Right to Information Act, 2005 Volume – I under:- (02) Fees & Fines for the Penalty Amount Imposed by the Commission” within the period of 30 days with intimation to this Commission.

Case disposed of.

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

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**No.MIC/Complaint/14/2010/30,**

Shri Julius Nongtdu, Vice President, H.N.Y.F., Khliehriat,  
Jaintia Hills

- Complainant

-Vrs-

PIO, Finance & Accounts Officer, J.H.A.D.C., Jowai

- Respondent

**6-7-2010**

**ORDER**

Seen letter dated 10-6-2010 received from the complainant, Shri Julius Nongtdu stating that the Respondent-PIO has not complied with the Order dated 28-5-2010 of the Commission inasmuch as he had not been allowed to inspect the relevant records and obtain copies of the information requested. This Commission has also received letter No.JHADC/FIN/ACCT/RTI/19/09-10/55 dated 7<sup>th</sup> June, 2010, from the Respondent-PIO



informing this Commission that the complainant accompanied by one Lamsuk Langstang and others presented himself on 4-6-2010 before the P.I.O. for inspection of records and that they are allowed inspection of the records after preliminary discussion which they were satisfied and the information requested was provided to the complainant on 4-6-2010 itself vide letter No. JHADC/FIN/ACCT/RTI/19/09-10/54. It appears from the letter received from the Respondent-PIO that one Lamsuk Langstang who is not the signatory either of the initial R.T.I. application or of the second complaint before this Commission, had demanded some other information from the Respondent-PIO.

It is to be made clear to all concerned that under the R.T.I. Act, unless there is specific authorization from the applicant/complaint/appellant authorizing some person by name, to act on his behalf no other person is competent under the Law to take necessary action either with the P.I.O. or with the D.A.A. or with the Commission.

In the instant case, the First Appellate Authority/P.I.O., JHADC is not legally bound to take any action on request made by any person not duly authorized by the complainant/appellant himself.

Let the parties concerned take necessary action accordingly.

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

**No.MIC/Complaint/18/2010/5,**

Shri Wanbun N. Dkhar, Moopyllaitsyiar, Thadlaskein, Jaintia Hills - Complainant

-Vrs-

The B.D.O., C&RD Block Thadlaskein, Jaintia Hills & P.I.O. - Respondent

**15-6-2010**

**ORDER**

Respondent-PIO, Shri Precious Mawa, B.D.O., Thadlaskein C.D.Block, Jaintia Hills, is present in the Commission today. The complainant, Shri Wanbun N. Dkhar, is also present.

Heard the Respondent-PIO who submitted that he had received the R.T.I. application dated 3-3-2010 from the complainant. On receipt of the application, he made available part of it on 23-3-2010 but did not post it, thinking that the complainant will come to the office to collect it. The Respondent-PIO also submitted that he had not prepared the other part of the information thinking that the complainant will come and pay the cost of copies first. He also submitted further that the complainant did not furnish his Phone No. for contacting him. As a result, the information could not be furnished to the complainant till date.

Heard the complainant who submitted that he had made information requests from many P.I.O.s giving only his postal address and they have communicated to him, availability of information and also the cost of copy etc. He submitted that in the instant case, he had furnished full postal address to the P.I.O. but the P.I.O. did not communicate anything to him till date. He, therefore, submitted that the information should be furnished free of cost and the P.I.O. should be penalized according to Law for the delay in furnishing the information to him.

Under the provision of section 6(2) of the R.T.I. Act, **‘an applicant making request for information shall not be required to give any reason for requesting information or any other personal details except those that may be necessary for contacting him’**.

While Phone Nos. especially Mobile Phone is one of the means of contacting the applicant; it is not the only means. Postal services is also a very important means of contacting people. The fact that the complainant has given his full postal address to the P.I.O. and the Branch Post Office is located near the office of the P.I.O., are sufficient means available for the P.I.O. for contacting the complainant.

The Respondent-PIO on his own admission is waiting for the complainant to contact him or to go to him to enquire the cost fees etc; and to collect the information. The Law has not provided such a procedure. Therefore, the argument put forward by the Respondent-PIO that the delay is due to the failure on the part of the complainant to go to his office to enquire about the cost and to collect the information is not legally tenable and not acceptable to this Commission. Further, the P.I.O. could not produce any evidence to prove that the part information was ready on 23-3-2010 except the forwarding letter itself.

The above being the case, the Commission, decided as follows:

- (1) The Respondent-PIO, having furnished part information to the complainant today in presence of the Commission; he shall furnish the remaining information viz., copies of work estimates of each schemes and the price and cost of the materials purchased for the schemes separately, free of cost within a period of 15 days from the date of this Order with intimation to this Commission.
- (2) The Respondent-PIO, Shri Precious Mawa, Block Development Officer, Thadlaskein C.D. Block is personally liable for penalty under section 20(1) of the R.T.I. Act for the delay of 51 days i.e. w.e.f. 4-4-2010 to 25-5-2010. He is, therefore, awarded penalty amounting to Rs. 12,750/- (Rupees twelve thousand seven hundred and fifty) only. He is required to deposit the above amount to the Government Treasury at Jowai under the Head of Account **“0070-Other Administrative Services etc., 60-Other Services, 118-Receipt under the Right to Information Act, 2005 Volume – I under:- (02) Fees & Fines for the Penalty Amount Imposed by the Commission”** within the period of 30 days from the date of this Order with intimation to this Commission.

Case disposed of.

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

**No.MIC/Complaint/18/2010/7.**

Shri Wanbun N. Dkhar, Moopyllaitsiyar, Thadlaskein, Jaintia Hills - Complainant

-Vrs-

The B.D.O., C&RD Block Thadlaskein, Jaintia Hills & P.I.O. - Respondent

**15-7-2010**

**O R D E R**

Seen letter No.TDB/RTI/7/2005/156 Dated 9<sup>th</sup> July, 2010 from the Respondent-PIO, Shri Precious Mawa, B.D.O., Thadlaskein C.D.Block, Jaintia Hills, who informed the

Commission that the information has been already supplied to the complainant in compliance of the decision No.(1) of the Commission vide its Order dated 15-6-2010. However, the Respondent-PIO has prayed the Commission to re-consider bringing down the amount of penalty awarded vide decision No.(2) of the above Order.

This Commission makes it clear that the amount of delay and the amount of penalty have been fixed by Law; any review of the amount of penalty does not arise.

However, the Commission decides to facilitate payment of the penalty amount by the Respondent-PIO in smaller installments. The Respondent-PIO is therefore, allowed to pay the amount of penalty in two equal installments @ Rs.6375/- each within two months time ending 30-8-2010 under the Head of Account as indicated in the earlier Order, with intimation to this Commission.

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

**No.MIC/Complaint/20/2010/23,**

Shri Abul Kalam Azad, Village Burirjhar, West Garo Hills - Complainant

- Vrs -

The P.I.O., District Mission Coordinator, SSA, West Garo Hills - Respondent

**4-8-2010**

**ORDER**

Respondent-P.I.O. is present in the Commission today. The complainant is however absent.

The Respondent-PIO filed the show cause before the Commission today. According to the show cause, the Respondent-PIO admitted having received the RTI application from the complainant on 9-4-2010. As the information sought by the complainant was not available with her, she had to send the information request to the State Project Director, SSA, on 14-4-2010. It was only on 19-5-2010 that instruction was received from the State Project Director, SSA to furnish the information along with the list of upgraded schools.

Subsequently on 3-6-2010 she furnished the information to the complainant who refused to receive the same. The complainant vide his RTI application dated 9-4-2010 had made the following request for information before the Respondent-PIO.

- (1) Certified copy of U.P. Schools of West Garo Hills District already approved by SSA, Meghalaya to provide financial assistance for the year 2009-2010.
- (2) Whether Chitalkati U.P. School was duly approved by the concerned authority of SSA for providing financial assistance during the year.
- (3) The number U.P. Schools of West Garo Hills taken up and approved by SSA, Meghalaya for financial assistance during the year.
- (4) Whether Chitalkati U.P. School has been delisted from the approved list.
- (5) Can DMC, Tura delete the name of institutions approved by the authority from the list?

On further inquiry by the Commission and on examination of records it is found out that the list of U.P. Schools of West Garo Hills District approved by the SSA, Meghalaya for providing with financial assistance for the year 2009-2010 was issued by the State Project Director, SSA on 3-2-2010. This list was received by the Respondent-PIO on 8-2-2010. Hence the Commission finds no truth with the submission of the Respondent-PIO that the information requested is not available with her and had to be obtained from the office of the State Project Director, Meghalaya. As a matter of fact, the entire information requested by the complainant is already in the custody of the Respondent-PIO and held by her on the date of the information application itself. This fact has been admitted by the Respondent-PIO during the inquiry. It also came up at the time of hearing that the P.I.O. did not know that she is a P.I.O. and, therefore, had to approach the State Project Director, SSA for his advice on the RTI application.

That being the case, the Commission came to the conclusion that the period of delay is not only 44 days i.e. from 24-5-2010, the date she received the information from the Project Director, SSA upto 15-7-2010, the date the information was deemed to have been furnished to the complainant as indicated earlier in the show cause. Since the information is available with the P.I.O., at the time the period of delay counts from the date of expiry of the statutory period of 30 days, that means, from 10-5-2010 upto 15-7-2010 a total period of 65 days.

The Commission therefore, decided that the P.I.O. is liable for penalty @ Rs. 250/- per day for a period of 65 days from 10-5-2010 to 14-7-2010. Therefore, the Respondent-PIO, Smti H.R. Marak D.M.C., SSA, West Garo Hills,. is hereby awarded a penalty of Rs. 16250/- (250x65) under section 20(1) of the R.T.I. Act and is allowed to pay the above penalty in three installment @ Rs.5400/-, 5440/-, 5450/- starting from the month of August, 2010. She is required to deposit the above amounts to the Government Treasury at Tura under the Head of Account **“0070-Other Administrative Services etc., 60-Other Services, 118-Receipt under the Right to Information Act, 2005 Volume – I under:- (02) Fees & Fines for the Penalty Amount Imposed by the Commission”** with intimation to this Commission.

The Commission also decided that complete information be sent to the complainant immediately by post at his given address within one weeks’ time from the date of this Order with intimation to his Commission.

Case disposed of.

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

## CHAPTER – 7

### **7.1 Implementation of the R.T.I. Act in Meghalaya:**

Various activities under taken by the State Information Commission in implementing the Right to Information Act during the year has been highlighted in Chapters 2, 3, 4, 5 & 6 of the report. In the present Chapter the activities under taken by the public authorities during the year have been highlighted.

The Commission regrets to report that various public authorities established by the Government under the Act do not readily comply with the requirement of the Law. In fact, the Commission had to remind them through their respective departments to furnish the relevant information/report for compilation of the Annual Report while some of the public authorities responded positively and a number of them have not responded till the date of finalisation of this Report. The list of such public authorities are given in separate statement of this Chapter.

### **7.2 Disposal of information requests by Public Information Officers/Public Authorities: (Section 25(3)(a))**

A total number of 825 requests were received by the Public Information Officers of those Public Authorities who have so far furnished the report, during the year. With 11 requests pending from the previous years i.e. the year 2009, there were a total number of 836 R.T.I. requests to be disposed of by the PIOs etc. during the year, 2010. Out of these, 816 requests were disposed of by the PIOs which accounts for 98%. The remaining requests of 20 (or 2%) were at various stages of processing at the end of Calendar year, 2010. A total number of requests rejected by the PIOs is 4 only which is negligible compared to the total number of requests disposed of. This shows that the public authorities have been providing the information in most cases. Regarding number of requests deemed to have been refused, the number appears to be on the lower side due to inaccurate reporting by the Reporting Officers, in as much as, a larger number of complaints

have been received in the Commission against deemed refusals of information by the PIOs.

The requests for information so far received from various public authorities and their state of disposal, etc are presented in Table 7.2.1 below:

### 7.2.1

#### Disposal of Information Requests by Public Information Officers/Public Authorities

##### Reporting Year: 2010

Sl. No	Name of Departments Public Authorities	No. of Requests Pending at end of last year	No. of Requests Received during the Year	Total No. of Requests	No. of Requests disposed	No. of Requests Rejected	No. of Requests deemed to be Refused: 7(2)	% of Cases Access to Information Denied*
1	2	3	4	5	6	7	8	9
1	<b><u>Agriculture</u></b>							
	Sectt.Deptt.							
	Dte.of Agri.	Nil	14	14	14	Nil	Nil	Nil
	Dte.of Hort	Nil	3	3	3	Nil	Nil	Nil
	C.E. Irrigation	Nil	Nil	Nil	Nil	Nil	Nil	Nil
2	<b><u>Arts &amp; Culture</u></b>							
	Sectt.Dept.							
	Dte.of Arts & Culture	Nil	2	2	2	Nil	Nil	Nil
3	<b><u>A.H.&amp;Vety.</u></b>							
	Sectt.Dept.	Nil	13	13	13	Nil	Nil	Nil
	Dte.of A.H.&Vety	Nil	13	13	13	Nil	Nil	Nil
4	<b><u>Border Areas Dev.</u></b>							
	Sectt.Deptt.	Nil	11	11	11	Nil	Nil	Nil
	Dte.of BAD							
5	<b><u>C.M.Secretariat</u></b>							
	Sectt.Dept.	1	1	2	2	Nil	Nil	Nil
6	<b><u>Cabinet Affairs</u></b>							
	Sectt.Deptt.	Nil	1	1	1	Nil	Nil	Nil
7	<b><u>Communication</u></b>							
	Sectt.Dept							
8	<b><u>C&amp;RD</u></b>							
	Sectt.Dept.							
	Dte.of C&RD	Nil	20	20	20	Nil	Nil	Nil
9	<b><u>Cooperation</u></b>							
	Sectt.Deptt.	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Registrar of	Nil	Nil	Nil	Nil	Nil	Nil	Nil



	Cooperative Societies							
	Meghalaya State Warehousing Corporation	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Meghalaya Apex Handloom Weavers & Handicrafts	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	MECOFED Ltd.	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	MSHF Coop.Society Ltd.	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	MSCU	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	The Meghalaya Coop. Apex Bank Ltd.	Nil	2	2	2	Nil	Nil	Nil
	Cooperative Federation Ltd.							
<b>10</b>	<b><u>District Council Affairs</u></b>							
	Sectt.Deptt.	Nil	3	3	3	Nil	Nil	Nil
	KHADC							
	JHADC	2	39	41	40	Nil	Nil	Nil
	GHADC							
<b>11</b>	<b><u>Education</u></b>							
	Sectt.Deptt.							
	DHTE							
	DEPT							
	DEME							
	MBOSE							
<b>12</b>	<b><u>Elections</u></b>							
	Sectt.Dept.	Nil	28	28	28	Nil	Nil	Nil
	C.E.O.							
<b>13</b>	<b><u>E.R.T.S.</u></b>							
	Sectt.Dept.							
	Com.Tax	Nil	32	32	26	Nil	Nil	Nil
	Com.Excise							
	Inspector General of Registration							
	Superintendent of Stamps							
	Registrar of Societies							

	Dte.of Lottery							
	Meghalaya Commission of Resource Mobilization							
<b>14</b>	<b><u>Finance</u></b>							
	Sectt.Deptt.							
	Dte.of Accounts & Treasuries							
	Dte.of Local Accounts	Nil	1	1	1	Nil	Nil	Nil
	Dte.of Small Savings	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Dte.of Institutional Finance							
	Finance (EC-1) Deptt.	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Finance (Economic Affairs) Deptt.	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Finance (PR) Deptt.	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Finance (Establishment) Deptt.	Nil	1	1	1	Nil	Nil	Nil
<b>15</b>	<b><u>Food &amp; Civil Supplies</u></b>							
	Sectt.Deptt.	Nil	1	1	1	Nil	Nil	Nil
	Dte.of Food & Civil Supplies	Nil	25	25	25	Nil	Nil	Nil
	Meghalaya State Consumer Disputes Redressal Commission							
<b>16</b>	<b><u>Forest &amp; Env.</u></b>							
	Sectt.Deptt.	Nil	23	23	23	Nil	Nil	Nil
	O/o PCCF	1	33	33	32	Nil	Nil	Nil
	O/o CCF ( Social Forestry)	Nil	18	18	18	Nil	Nil	Nil
	O/o(Research/Tr aining & Wildlife)	Nil	5	5	5	Nil	Nil	Nil
	O/o CCF (Territorial)	Nil	18	18	18	Nil	Nil	Nil

17	<b><u>Fisheries</u></b>							
	Sectt.Deptt.							
	Dte.of Fisheries	1	1	1	Nil	Nil	Nil	Nil
18	<b><u>G.A.D.</u></b>							
	Sectt.Deptt.	Nil	1	1	1	Nil	Nil	Nil
	Office Estate Officer							
	Sainik Welfare	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Zila Sainik Welfare							
19	<b><u>Home (Police)</u></b>							
	Sectt.Deptt.	Nil	25	25	24	Nil	Nil	Nil
20	<b><u>Home Guards &amp; Civil Defence</u></b>							
	Sectt.Deptt.	Nil	Nil	Nil	Nil	Nil	Nil	Nil
21	<b><u>Home (Jails)</u></b>							
	Sectt.Deptt.							
	Inspector General of Prisons	1	12	13	12	Nil	Nil	Nil
22	<b><u>Home (Passport)</u></b>							
	Sectt.Deptt.	Nil	Nil	Nil	Nil	Nil	Nil	Nil
23	<b><u>Health &amp; F.W.</u></b>							
	Sectt.Deptt.							
	DHS (MI)	1	33	34	34	Nil	Nil	Nil
	DHS (MCH)							
	DHS (R)	Nil	Nil	Nil	Nil	Nil	Nil	Nil
24	<b><u>Housing</u></b>							
	Sectt.Deptt.	Nil	1	1	1	Nil	Nil	Nil
	Dte.of Housing	Nil	8	8	6	Nil	Nil	Nil
	Meghalaya State Housing Board							
25	<b><u>Industries</u></b>							
	Sectt.Deptt.							
	Dte.of Commerce Industries	Nil	23	23	23	Nil	Nil	Nil
	MIDC							
	MCCL							
	MKVIB							
	Meghalaya Handloom							
	MHHDC							
MBCL								

26	<b><u>Information &amp; Public Relations</u></b>							
	Sectt.Deptt.							
	Dte.of I.P.R.							
27	<b><u>Information Technology</u></b>							
	Sectt.Deptt.							
28	<b><u>Law</u></b>							
	Sectt.Deptt.	Nil	1	1	1	Nil	Nil	Nil
29	<b><u>Labour</u></b>							
	Sectt.Deptt.	Nil	4	4	4	Nil	Nil	Nil
	Dte.of Employment & Craftsmen Training	Nil	8	8	8	Nil	Nil	Nil
	O/o Administrative Medical Officer	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Chief Inspector of Boilers	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Labour Commissioner	1	1	1	Nil	Nil	Nil	Nil
	Commandant of Civil Task Force	Nil	Nil	Nil	Nil	Nil	Nil	Nil
30	<b><u>Mining &amp; Geology</u></b>							
	Sectt.Dept	Nil	4	4	4	Nil	Nil	Nil
	Dte.of Mineral Resources	Nil	16	16	16	Nil	Nil	Nil
31	<b><u>Planning</u></b>							
	Sectt.Deptt.							
	P.I.D.	Nil	1	1	1	Nil	Nil	Nil
	Dte.of Economics & Statistics	Nil	2	2	2	Nil	Nil	Nil
	M.E.D.C.							
32	<b><u>Personnel</u></b>							
	Personnel & A.R.(A) & (B) & SRC	Nil	11	11	10	Nil	Nil	Nil
	DC,EK Hills	1	63	63	61	Nil	Nil	Nil
	DC, Ribhoi District	Nil	24	24	24	Nil	Nil	Nil
	DC, Jaintia Hills	Nil	9	9	9	Nil	Nil	Nil
	DC, West Khasi	Nil	Nil	Nil	Nil	Nil	Nil	Nil

	Hills							
	DC, (Election) West Garo Hills, Tura	Nil	4	4	4	Nil	Nil	Nil
	DC, East Garo Hills	Nil	3	3	3	Nil	Nil	Nil
	DC, South Garo Hills	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	M.P.S.C.	Nil	6	6	5	Nil	Nil	Nil
	Commissioner of Divisions	Nil	Nil	Nil	Nil	Nil	Nil	Nil
<b>33</b>	<b><u>Political</u></b>							
	Sectt.Deptt.	Nil	9	9	9	Nil	Nil	Nil
<b>34</b>	<b><u>P.H.E.</u></b>							
	Sectt.Deptt.							
	Chief Engineer	Nil	41	41	41	Nil	Nil	Nil
	Pollution Control Board							
<b>35</b>	<b><u>Power</u></b>							
	Sectt.Deptt.	1	2	3	3	Nil	Nil	Nil
	M.E.C. Ltd.	Nil	6	6	6	Nil	Nil	Nil
	MSERC	Nil	2	2	2	Nil	Nil	Nil
	MNREDA	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Senior Electrical Inspector Inspectorate of Electricity, Shillong	Nil	Nil	Nil	Nil	Nil	Nil	Nil
<b>36</b>	<b><u>Printing &amp; Stationery</u></b>							
	Sectt.Deptt.							
	Dte.of Printing & Stationery	Nil	1	1	1	Nil	Nil	Nil
<b>37</b>	<b><u>P.W.D.</u></b>							
	Sectt.Deptt.							
	C.E.PWD(R&B)	1	70	71	70	Nil	Nil	Nil
	C.E.PWD (NH)							
	C.E.PWD (B)	Nil	4	4	4	Nil	Nil	Nil
<b>38</b>	<b><u>Parliamentary Affairs</u></b>							
	Sectt.Deptt.	Nil	Nil	Nil	Nil	Nil	Nil	Nil
<b>39</b>	<b><u>Revenue &amp; Disaster Management</u></b>							

	Sectt.Deptt.	Nil	15	15	15	Nil	Nil	Nil
	Meghalaya Board of Revenue	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Dte.Land Records & Survey	Nil	Nil	Nil	Nil	Nil	Nil	Nil
<b>40</b>	<b><u>SAD</u></b>							
	SAD (A)	Nil	1	1	1	Nil	Nil	Nil
	SAD (E)	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	SAD (N)	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	SAD (R)	Nil	Nil	Nil	Nil	Nil	Nil	Nil
<b>41</b>	<b><u>Sports &amp; Youth Affairs</u></b>							
	Sectt.Deptt.							
	Dte.of S.Y.A.	Nil	6	6	6	Nil	Nil	Nil
<b>42</b>	<b><u>Social Welfare</u></b>							
	Sectt.Deptt.							
	Dte.of Social Welfare	Nil	17	17	17	Nil	Nil	Nil
	State Social Welfare Board							
	State Commission for Women							
	Commissioner for Person with Disabilities							
<b>43</b>	<b><u>Soil &amp; Water Conservation</u></b>							
	Sectt.Deptt.	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Dte.of Soil & Water	Nil	22	22	21	Nil	Nil	Nil
<b>44</b>	<b><u>Sericulture &amp; Weaving</u></b>							
	Sectt.Deptt.							
	Dte.of Sericulture							
<b>45</b>	<b><u>Transport</u></b>							
	Sectt.Deptt.	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Comnr.of Transport	Nil	26	26	26	Nil	Nil	Nil
	M.T.C.	Nil	1	1	1	Nil	Nil	Nil
<b>46</b>	<b><u>Tourism</u></b>							
	Sectt.Deptt.	Nil	1	1	1	Nil	Nil	Nil

	Dte.of Tourism	Nil	2	2	2	Nil	Nil	Nil
	MTDC	Nil	1	1	1	Nil	Nil	Nil
<b>47</b>	<b><u>Urban Affairs</u></b>							
	Sectt.Deptt.	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Dte.of Urban Affairs	Nil	2	2	1	Nil	Nil	Nil
	Shillong Municipal Board	Nil	4	4	Nil	Nil	Nil	Nil
	Jowai Municipal Board	Nil	1	1	1	Nil	Nil	Nil
	MUDA	Nil	10	10	10	Nil	Nil	Nil
	Tura Municipal Board	Nil	4	4	4	Nil	Nil	Nil
	Williamnagar Municipal Board	Nil	2	2	2	Nil	Nil	Nil
	Resubelpara Municipal Board	Nil	Nil	Nil	Nil	Nil	Nil	Nil
<b>48</b>	<b><u>Metrology Department</u></b>							
	Sectt.Deptt.	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Controller of Legal Metrology	Nil	3	3	3	Nil	Nil	Nil
<b>49</b>	<b><u>Meghalaya Legislative Assembly</u></b>	Nil	4	4	4	Nil	Nil	Nil
<b>50</b>	<b><u>Shillong Bench Gauhati High Court</u></b>							
<b>51</b>	<b><u>Governor's Secretariat Raj Bhavan, Shillong</u></b>	Nil	1	1	1	Nil	Nil	Nil
<b>52</b>	<b><u>Meghalaya State Information Commissionn</u></b>	Nil	Nil	Nil	Nil	Nil	Nil	Nil

### 7.3 Disposal of First Appeals by Designated Appellate Authorities:

42 Appeals were received by the Designated Appellate Authorities in the form of First Appeal during the year 2010. Most of the appeals except 6 (six) were disposed of by the concerned public authorities during the year. The number of First Appeals received by various public authorities and the state of disposal etc. are given in Table 7.4.1 below:

#### 7.4.1 Disposal of First Appeals by Designated Appellate Authorities:

##### Reporting Year: 2010

Sl. No	Name of Departments Public Authorities	No. of First Appeals pending with Appellate Officers	No. of First Appeals preferred during the Year	Total No. of Appeals with Appellate Officers	No. of First Appeals Disposed	No. of First Appeals Rejected	No. of First Appeals pending for more than 45 Days	% of First Appeals Rejected
1	2	3	4	5	6	7	8	9
1	<b><u>Agriculture</u></b>							
	Sectt.Deptt.							
	Dte.of Agri.	Nil	5	5	5	Nil	Nil	Nil
	Dte.of Hort	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	C.E. Irrigation	Nil	Nil	Nil	Nil	Nil	Nil	Nil
2	<b><u>Arts &amp; Culture</u></b>							
	Sectt.Dept.							
	Dte.of Arts & Culture	Nil	Nil	Nil	Nil	Nil	Nil	Nil
3	<b><u>A.H.&amp;Vety.</u></b>							
	Sectt.Dept.	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Dte.of A.H.&Vety	Nil	Nil	Nil	Nil	Nil	Nil	Nil
4	<b><u>Border Areas Dev.</u></b>							
	Sectt.Deptt.	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Dte.of BAD							
5	<b><u>C.M.Secretariat</u></b>							
	Sectt.Dept.	Nil	1	1	1	Nil	Nil	Nil
6	<b><u>Cabinet Affairs</u></b>							
	Sectt.Deptt.	Nil	Nil	Nil	Nil	Nil	Nil	Nil



7	<b><u>Communication</u></b>							
	Sectt.Dept							
8	<b><u>C&amp;RD</u></b>							
	Sectt.Dept.							
	Dte.of C&RD	Nil	1	1	1	Nil	Nil	Nil
9	<b><u>Cooperation</u></b>							
	Sectt.Deptt.	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Registrar of Cooperative Societies	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Meghalaya State Warehousing Corporation	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Meghalaya Apex Handloom Weavers & Handicrafts	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	MECOFED Ltd.	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	MSHF Coop.Society Ltd.	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	MSCU	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	The Meghalaya Coop. Apex Bank Ltd.	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Cooperative Federation Ltd.							
	10	<b><u>District Council Affairs</u></b>						
Sectt.Deptt.		Nil	Nil	Nil	Nil	Nil	Nil	Nil
KHADC								
JHADC		Nil	Nil	Nil	Nil	Nil	Nil	Nil
	GHADC							
11	<b><u>Education</u></b>							
	Sectt.Deptt.							
	DHTE							
	DEPT							
	DEME							
	MBOSE							
12	<b><u>Elections</u></b>							
	Sectt.Dept.	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	C.E.O.							
13	<b><u>E.R.T.S.</u></b>							
	Sectt.Dept.							
	Com.Tax	Nil	1	1	1	Nil	Nil	Nil

	Com.Excise							
	Inspector General of Registration							
	Superintendent of Stamps							
	Registrar of Societies							
	Dte.of Lottery							
	Meghalaya Commission of Resource Mobilization							
<b>14</b>	<b><u>Finance</u></b>							
	Sectt.Deptt.							
	Dte.of Accounts & Treasuries							
	Dte.of Local Accounts	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Dte.of Small Savings	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Dte.of Institutional Finance							
	Finance (EC-1) Deptt.	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Finance (Economic Affairs) Deptt.	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Finance (PR) Deptt.	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Finance (Establishment) Deptt.	Nil	Nil	Nil	Nil	Nil	Nil	Nil
<b>15</b>	<b><u>Food &amp; Civil Supplies</u></b>							
	Sectt.Deptt.	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Dte.of Food & Civil Supplies	1	5	6	6	Nil	Nil	Nil
	Meghalaya State Consumer Disputes Redressal Commission							
<b>16</b>	<b><u>Forest &amp; Env.</u></b>							
	Sectt.Deptt.	Nil	Nil	Nil	Nil	Nil	Nil	Nil

	O/o PCCF	Nil	3	3	3	Nil	Nil	Nil
	O/o CCF ( Social Forestry)	Nil	3	3	3	Nil	Nil	Nil
	O/o(Research/Training & Wildlife)	Nil	2	1	1	Nil	Nil	Nil
	O/o CCF (Territorial)	Nil	Nil	Nil	Nil	Nil	Nil	Nil
17	<b>Fisheries</b>							
	Sectt.Deptt.							
	Dte.of Fisheries	Nil	Nil	Nil	Nil	Nil	Nil	Nil
18	<b>G.A.D.</b>							
	Sectt.Deptt.	Nil	1	1	1	Nil	Nil	Nil
	Office Estate Officer							
	Sainik Welfare	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Zila Sainik Welfare							
19	<b>Home (Police)</b>							
	Sectt.Deptt.	Nil	1	1	Nil	Nil	Nil	Nil
20	<b>Home Guards &amp; Civil Defence</b>							
	Sectt.Deptt.	Nil	Nil	Nil	Nil	Nil	Nil	Nil
21	<b>Home (Jails)</b>							
	Sectt.Deptt.							
	Inspector General of Prisons	Nil	Nil	Nil	Nil	Nil	Nil	Nil
22	<b>Home (Passport)</b>							
	Sectt.Deptt.	Nil	Nil	Nil	Nil	Nil	Nil	Nil
23	<b>Health &amp; F.W.</b>							
	Sectt.Deptt.							
	DHS (MI)	20	Nil	Nil	Nil	Nil	20	Nil
	DHS (MCH)							
	DHS (R)	Nil	Nil	Nil	Nil	Nil	Nil	Nil
24	<b>Housing</b>							
	Sectt.Deptt.	Nil	1	1	1	Nil	Nil	Nil
	Dte.of Housing	Nil	2	2	Nil	Nil	Nil	Nil
	Meghalaya State Housing Board							
25	<b>Industries</b>							
	Sectt.Deptt.							
	Dte.of Commerce	1	1	1	Nil	Nil	1	Nil

	Industries							
	MIDC							
	MCCL							
	MKVIB							
	Meghalaya Handloom							
	MHHDC							
	MBCL							
26	<b><u>Information &amp; Public Relations</u></b>							
	Sectt.Deptt. Dte.of I.P.R.							
27	<b><u>Information Technology</u></b>							
	Sectt.Deptt.							
28	<b><u>Law</u></b>							
	Sectt.Deptt.	Nil	Nil	Nil	Nil	Nil	Nil	Nil
29	<b><u>Labour</u></b>							
	Sectt.Deptt.	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Dte.of Employment & Craftsmen Training	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	O/o Administrative Medical Officer	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Chief Inspector of Boilers	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Labour Commissioner	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Commandant of Civil Task Force	Nil	Nil	Nil	Nil	Nil	Nil	Nil
30	<b><u>Mining &amp; Geology</u></b>							
	Sectt.Dept	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Dte.of Mineral Resources	Nil	Nil	Nil	Nil	Nil	Nil	Nil
31	<b><u>Planning</u></b>							
	Sectt.Deptt.							
	P.I.D.	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Dte.of Economics & Statistics	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	M.E.D.C.							

32	<b><u>Personnel</u></b>							
	Personnel & A.R.(A) & (B) & SRC	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	DC,EK Hills	Nil	1	1	1	Nil	Nil	Nil
	DC, Ribhoi District	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	DC, Jaintia Hills	Nil	1	1	1	Nil	Nil	Nil
	DC, West Khasi Hills	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	DC, (Election) West Garo Hills, Tura	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	DC, East Garo Hills	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	DC, South Garo Hills	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	M.P.S.C.	Nil	2	2	1	Nil	Nil	Nil
	Commissioner of Divisions	Nil	Nil	Nil	Nil	Nil	Nil	Nil
33	<b><u>Political</u></b>							
	Sectt.Deptt.	Nil	1	1	1	Nil	Nil	Nil
34	<b><u>P.H.E.</u></b>							
	Sectt.Deptt.							
	Chief Engineer	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Pollution Control Board							
35	<b><u>Power</u></b>							
	Sectt.Deptt.	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	M.E.C. Ltd.	Nil	3	3	3	Nil	Nil	Nil
	MSERC	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	MNREDA	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Senior Electrical Inspector, Inspectorate of Electricity, Shillong	Nil	Nil	Nil	Nil	Nil	Nil	Nil
36	<b><u>Printing &amp; Stationery</u></b>							
	Sectt.Deptt.							
	Dte.of Printing & Stationery	Nil	Nil	Nil	Nil	Nil	Nil	Nil
37	<b><u>P.W.D.</u></b>							
	Sectt.Deptt.							
	C.E.PWD(R&B)	Nil	Nil	Nil	Nil	Nil	Nil	Nil

	C.E.PWD (NH)							
	C.E.PWD (B)	Nil	2	2	2	Nil	Nil	Nil
<b>38</b>	<b><u>Parliamentary Affairs</u></b>							
	Sectt.Deptt.	Nil	Nil	Nil	Nil	Nil	Nil	Nil
<b>39</b>	<b><u>Revenue &amp; Disaster Management</u></b>							
	Sectt.Deptt.	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Meghalaya Board of Revenue	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Dte.Land Records & Survey	Nil	Nil	Nil	Nil	Nil	Nil	Nil
<b>40</b>	<b><u>SAD</u></b>							
	SAD (A)	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	SAD (E)	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	SAD (N)	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	SAD (R)	Nil	Nil	Nil	Nil	Nil	Nil	Nil
<b>41</b>	<b><u>Sports &amp; Youth Affairs</u></b>							
	Sectt.Deptt.							
	Dte.of S.Y.A.	Nil	Nil	Nil	Nil	Nil	Nil	Nil
<b>42</b>	<b><u>Social Welfare</u></b>							
	Sectt.Deptt.							
	Dte.of Social Welfare	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	State Social Welfare Board							
	State Commission for Women							
	Commissioner for Person with Disabilities							
<b>43</b>	<b><u>Soil &amp; Water Conservation</u></b>							
	Sectt.Deptt.	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Dte.of Soil & Water	Nil	Nil	Nil	Nil	Nil	Nil	Nil
<b>44</b>	<b><u>Sericulture &amp; Weaving</u></b>							
	Sectt.Deptt.							
	Dte.of							

	Sericulture							
45	<b><u>Transport</u></b>							
	Sectt.Deptt.	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Comnr.of Transport	Nil	1	1	1	Nil	Nil	Nil
	M.T.C.	Nil	Nil	Nil	Nil	Nil	Nil	Nil
46	<b><u>Tourism</u></b>							
	Sectt.Deptt.	Nil	1	1	1	Nil	Nil	Nil
	Dte.of Tourism	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	MTDC	2	Nil	2	2	Nil	Nil	Nil
47	<b><u>Urban Affairs</u></b>							
	Sectt.Deptt.	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Dte.of Urban Affairs	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Shillong Municipal Board	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Jowai Municipal Board	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	MUDA	2	2	4	4	Nil	Nil	Nil
	Tura Municipal Board	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Williamnagar Municipal Board	Nil	Nil	Nil	Nil	Nil	Nil	Nil
Resubelpara Municipal Board	Nil	Nil	Nil	Nil	Nil	Nil	Nil	
48	<b><u>Metrology Department</u></b>							
	Sectt.Deptt.	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Controller of Legal Metrology	Nil	Nil	Nil	Nil	Nil	Nil	Nil
49	<b><u>Meghalaya Legislative Assembly</u></b>	Nil	Nil	Nil	Nil	Nil	Nil	Nil
50	<b><u>Shillong Bench Gauhati High Court</u></b>							
51	<b><u>Governor's Secretariat, Raj Bhavan, Shillong</u></b>	Nil	Nil	Nil	Nil	Nil	Nil	Nil

52	<b><u>Meghalaya State Information Commission</u></b>	Nil	Nil	Nil	Nil	Nil	Nil	Nil
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### 7.5 **Amounts of charges collected by each public authorities:**

(Section 25(3)(e))

An amount of Rs.28399/- was collected by the PIOs/public authorities in the form of various fees during the year. Out of this total amount, Rs.3042/- only was collected under Section 4(4) of the Act, being the cost of the medium or printed cost price in which form the information was provided; Rs. 8627/- is the application fee under Section 6(1) of the Act. A sum of Rs.12397/- was collected under Section 7(1) against making of photo copies etc. And Rs.2308/- was collected under Section 7(5) for providing the information in printed or electronic format. A sum of Rs.2025/- was collected in the form of other charges by the public authorities. The rates of various fees collected are as prescribed under the rule framed by the State Govt. for this purpose. Table 7.5.1 below give a summary of cost, fees and charges collected by public authorities during the year 2009.

**Table 7.5.1.**

#### **Summary of Costs, Fees & Charges Collected by Public Authorities:**

**Reporting Year: 2010**

Sl. No	Name of Departments Public Authorities	Cost collected Sec 4(4)	Fee Collected Sec 6(1)	Fee Collected Sec 7(1)	Fee Collected Sec 7(5)	Other charges collected (specify)	Total Collection
1	2	3	4	5	6	7	8
<b>1</b>	<b><u>Agriculture</u></b>						
	Sectt.Deptt.						
	Dte.of Agri.	Nil	Rs.148	Rs.24	Nil	Nil	Rs.172
	Dte.of Hort	Nil	Rs.20	Rs.74	Nil	Nil	Rs.94
	C.E. Irrigation	Nil	Nil	Nil	Nil	Nil	Nil
<b>2</b>	<b><u>Arts &amp; Culture</u></b>						
	Sectt.Dept.						



	Dte.of Arts & Culture	Rs.40	Rs.20	Nil	Nil	Nil	Rs.60
<b>3</b>	<b><u>A.H.&amp;Vety.</u></b>						
	Sectt.Deptt.	Nil	Rs.130	Rs.12	Nil	Nil	Rs.142
	Dte.of A.H.&Vety	Nil	Rs.130	Rs.12	Nil	Nil	Rs.142
<b>4</b>	<b><u>Border Areas Dev.</u></b>						
	Sectt.Deptt.	Rs.110	Rs.82	Nil	Nil	Nil	Rs.192
	Dte.of BAD						
<b>5</b>	<b><u>C.M.Secretariat</u></b>						
	Sectt.Deptt.	Nil	Rs.10	Rs.45	Nil	Nil	Rs.55
<b>6</b>	<b><u>Cabinet Affairs</u></b>						
	Sectt.Deptt.	Nil	Rs.10	Rs.14	Nil	Nil	Rs.24
<b>7</b>	<b><u>Communication</u></b>						
	Sectt.Deptt.						
<b>8</b>	<b><u>C &amp; RD</u></b>						
	Sectt.Deptt.						
	Dte.of C&RD	Nil	Rs.150	Rs.890	Rs.846	Nil	Rs.1886
<b>9</b>	<b><u>Cooperation</u></b>						
	Sectt.Deptt.	Nil	Nil	Nil	Nil	Nil	Nil
	Registrar of Cooperative Societies	Nil	Nil	Nil	Nil	Nil	Nil
	Meghalaya State Warehousing Corporation	Nil	Nil	Nil	Nil	Nil	Nil
	Meghalaya Apex Handloom Weavers & Handicrafts	Nil	Nil	Nil	Nil	Nil	Nil
	MECOFED Ltd.	Nil	Nil	Nil	Nil	Nil	Nil
	MSHF Coop.Society Ltd.	Nil	Nil	Nil	Nil	Nil	Nil
	MSCU	Nil	Nil	Nil	Nil	Nil	Nil
	The Meghalaya Coop. Apex Bank Ltd.	Nil	Rs.20	Nil	Nil	Nil	Rs.20
	Cooperative Federation Ltd.						
	<b>10</b>	<b><u>District Council Affairs</u></b>					
Sectt.Deptt.		Nil	Rs.20	Nil	Nil	Nil	Rs.20
KHADC							

	JHADC	Nil	Rs.340	Rs.2350	Rs.620	Nil	Rs.3310
	GHADC						
<b>11</b>	<b><u>Education</u></b>						
	Sectt.Deptt.						
	DHTE						
	DERT						
	DEME						
	MBOSE						
<b>12</b>	<b><u>Elections</u></b>						
	Sectt.Deptt.	Nil	Rs.100	Nil	Nil	Nil	Rs.100
	C.E.O.						
<b>13</b>	<b><u>E.R.T.S.</u></b>						
	Sectt.Deptt.						
	Com.Tax	Nil	Rs.230	Nil	Rs.12	Nil	Rs.242
	Com.Excise						
	Inspector General of Registration						
	Superintendent of Stamps						
	Registrar of Societies						
	Dte.of Lottery						
	Meghalaya Commission of Resource Mobilization						
<b>14</b>	<b><u>Finance</u></b>						
	Sectt.Deptt.						
	Dte.of Accounts & Treasuries						
	Dte.of Local Accounts	Nil	Nil	Nil	Nil	Nil	Nil
	Dte.of Small Savings	Nil	Nil	Nil	Nil	Nil	Nil
	Dte.of Institutional Finance						
	Finance (EC-1) Deptt.	Nil	Nil	Nil	Nil	Nil	Nil
	Finance (Economic Affairs) Deptt.	Nil	Nil	Nil	Nil	Nil	Nil
	Finance (PR) Deptt.	Nil	Nil	Nil	Nil	Nil	Nil

	Finance (Establishment) Deptt.	Nil	Rs.10	Nil	Nil	Nil	Rs.10
<b>15</b>	<b><u>Food &amp; Civil Supplies</u></b>						
	Sectt.Deptt.	Rs.6	Rs.10	Nil	Nil	Nil	Rs.16
	Dte.of Food & Civil Supplies	Rs.364	Rs.112	Nil	Nil	Nil	Rs.476
	Meghalaya State Consumer Disputes Redressal Commission						
<b>16</b>	<b><u>Forest &amp; Env.</u></b>						
	Sectt.Deptt.						Rs.586(A pplication fees Rs.160 cost for photo copies Rs.426)
	O/o PCCF	Nil	Rs.140	Rs.600	Nil	Nil	Rs.740
	O/o CCF ( Social Forestry)	Rs.10	Rs.70	Rs.567	Rs.4	Nil	Rs.651
	O/o(Research/Tr aining & Wildlife)	Rs.10	Rs.60	Rs.22	Nil	Nil	Rs.92
	O/o CCF (Territorial)	Rs.274	Rs.130	Nil	Nil	Nil	Rs.404
<b>17</b>	<b><u>Fisheries</u></b>						
	Sectt.Deptt.						
	Dte.of Fisheries	Nil	Nil	Nil	Nil	Nil	Nil
<b>18</b>	<b><u>G.A.D.</u></b>						
	Sectt.Deptt.	Nil	Rs.10	Rs.14	Nil	Nil	Rs.24
	Office Estate Officer						
	Sainik Welfare	Nil	Nil	Nil	Nil	Nil	Nil
	Zila Sainik Welfare						
<b>19</b>	<b><u>Home (Police)</u></b>						
	Sectt.Deptt.	Rs.141	Rs.240	Nil	Nil	Nil	Rs.381

20	<b><u>Home Guards &amp; Civil Defence</u></b>						
	Sectt.Deptt.	Nil	Nil	Nil	Nil	Nil	Nil
21	<b><u>Home (Jails)</u></b>						
	Sectt.Deptt.						
	Inspector General of Prisons	Nil	Nil	Nil	Nil	Nil	Nil
22	<b><u>Home (Passport)</u></b>						
	Sectt.Deptt.	Nil	Nil	Nil	Nil	Nil	Nil
23	<b><u>Health &amp; F.W.</u></b>						
	Sectt.Deptt.						
	DHS (MI)	Nil	Rs.270	Rs.2387	Nil	Nil	Rs.2657
	DHS (MCH)						
	DHS (R)	Nil	Nil	Nil	Nil	Nil	Nil
24	<b><u>Housing</u></b>						
	Sectt.Deptt.	Nil	Nil	Nil	Nil	Nil	Nil
	Dte.of Housing	Rs.20	Rs.2460	Rs.64	Nil	Nil	Rs.2544
	Meghalaya State Housing Board						
25	<b><u>Industries</u></b>						
	Sectt.Deptt.						
	Dte.of Commerce Industries	Nil	Rs.139	Rs.459	Nil	Nil	Rs.598
	MIDC						
	MCCL						
	MKVIB						
	Meghalaya Handloom						
	MHHDC						
	MBCL						
26	<b><u>Information &amp; Public Relations</u></b>						
	Sectt.Deptt.						
	Dte.of I.P.R.						
27	<b><u>Information Technology</u></b>						
	Sectt.Deptt.						
28	<b><u>Law</u></b>						
	Sectt.Deptt.	Nil	Rs.10	Nil	Nil	Nil	Rs.10
29	<b><u>Labour</u></b>						
	Sectt.Deptt.	Nil	Rs.40	Nil	Nil	Nil	Rs.40
	Dte.of	Nil	Rs.70	Nil	Nil	Nil	Rs.70

	Employment & Craftsmen Training						
	O/o Administrative Medical Officer	Nil	Nil	Nil	Nil	Nil	Nil
	Chief Inspector of Boilers	Nil	Nil	Nil	Nil	Nil	Nil
	Labour Commissioner	Rs.10	Nil	Nil	Nil	Nil	Rs.10
	Commandant of Civil Task Force	Nil	Nil	Nil	Nil	Nil	Nil
<b>30</b>	<b><u>Mining &amp; Geology</u></b>						
	Sectt.Dept	Nil	Rs.40	Rs.54	Nil	Nil	Rs.94
	Dte.of Mineral Resources	Nil	Rs.160	Nil	Nil	Nil	Rs.160
<b>31</b>	<b><u>Planning</u></b>						
	Sectt.Deptt.						
	P.I.D.	Nil	Rs.10	Rs.32	Nil	Nil	Rs.42
	Dte.of Economics & Statistics	Nil	Rs.20	Rs.146	Nil	Nil	Rs.166
	M.E.D.C.						
<b>32</b>	<b><u>Personnel</u></b>						
	Personnel & A.R.(A) & (B) & SRC	Nil	Rs.70	Rs.18	Rs.20	Nil	Rs.108
	DC,EK Hills	Rs.1064	Rs.100	Rs.64	Nil	Nil	Rs.1228
	DC, Ribhoi District	Rs.62	Rs.240	Nil	Nil	Nil	Rs.302
	DC, Jaintia Hills	Rs.262	Rs.50	Rs.36	Nil	Nil	Rs.348
	DC, West Khasi Hills	Nil	Nil	Nil	Nil	Nil	Nil
	DC, (Election) West Garo Hills, Tura	Nil	Rs.10	Nil	Nil	Nil	Rs.10
	DC, East Garo Hills	Rs.159	Rs.20	Nil	Nil	Nil	Rs.179
	DC, South Garo Hills	Nil	Nil	Nil	Nil	Nil	Nil
	M.P.S.C.	Nil	Nil	Nil	Rs.60	Rs.35	Rs.95
	Commissioner of Divisions	Nil	Nil	Nil	Nil	Nil	Nil

<b>33</b>	<b><u>Political</u></b>						
	Sectt.Deptt.	Nil	Rs.90	Nil	Rs.634	Nil	Rs.724
<b>34</b>	<b><u>P.H.E.</u></b>						
	Sectt.Deptt.						
	Chief Engineer Pollution Control Board	Rs.84	Rs.336	Rs.44	Rs.50	Nil	Rs.514
<b>35</b>	<b><u>Power</u></b>						
	Sectt.Deptt.	Nil	Rs.30	Nil	Nil	Rs.30	Rs.60
	M.E.C. Ltd.	Nil	Rs.60	Rs.1030	Nil	Nil	Rs.1090
	MSERC	Nil	Nil	Nil	Nil	Nil	Nil
	MNREDA	Nil	Nil	Nil	Nil	Nil	Nil
Senior Electrical Inspector, Inspectorate of Electricity, Shillong	Nil	Nil	Nil	Nil	Nil	Nil	
<b>36</b>	<b><u>Printing &amp; Stationery</u></b>						
	Sectt.Deptt.						
	Dte.of Printing & Stationery	Rs.12	Rs.12	Rs.12	Rs.12	Nil	Rs.48
<b>37</b>	<b><u>P.W.D.</u></b>						
	Sectt.Deptt.						
	C.E.PWD(R&B)	Nil	Rs.700	Rs.1359	Nil	Nil	Rs.2059
	C.E.PWD (NH)						
	C.E.PWD (B)	Nil	Rs.22	Nil	Nil	Rs.125 2	Rs.1274
<b>38</b>	<b><u>Parliamentary Affairs</u></b>						
	Sectt.Deptt.	Nil	Nil	Nil	Nil	Nil	Nil
<b>39</b>	<b><u>Revenue &amp; Disaster Management</u></b>						
	Sectt.Deptt.	Nil	Rs.220	Nil	Nil	Nil	Rs.220
	Meghalaya Board of Revenue	Nil	Nil	Nil	Nil	Nil	Nil
	Dte.Land Records & Survey	Nil	Nil	Nil	Nil	Nil	Nil
<b>40</b>	<b><u>SAD</u></b>						
	SAD (A)	Nil	Nil	Nil	Nil	Nil	Nil

	SAD (E)	Nil	Nil	Nil	Nil	Nil	Nil
	SAD (N)	Nil	Nil	Nil	Nil	Nil	Nil
	SAD (R)	Nil	Nil	Nil	Nil	Nil	Nil
41	<b><u>Sports &amp; Youth Affairs</u></b>						
	Sectt.Deptt.						
	Dte.of S.Y.A.	Nil	Rs.90	Nil	Nil	Nil	Rs.90
42	<b><u>Social Welfare</u></b>						
	Sectt.Deptt.						
	Dte.of Social Welfare	Nil	Rs.170	Rs.170	Nil	Nil	Rs.340
	State Social Welfare Board						
	State Commission for Women						
	Commissioner for Person with Disabilities						
43	<b><u>Soil &amp; Water Conservation</u></b>						
	Sectt.Deptt.	Nil	Nil	Nil	Nil	Nil	Nil
	Dte.of Soil & Water	Rs.220	Nil	Rs.18	Nil	Nil	Rs.238
44	<b><u>Sericulture &amp; Weaving</u></b>						
	Sectt.Deptt.						
	Dte.of Sericulture						
45	<b><u>Transport</u></b>						
	Sectt.Deptt.	Nil	Nil	Nil	Nil	Nil	Nil
	Comnr.of Transport	Rs.10	Rs.190	Nil	Nil	Rs.282	Rs.482
	M.T.C.	Nil	Nil	Nil	Nil	Nil	Nil
46	<b><u>Tourism</u></b>						
	Sectt.Deptt.	Rs.10	Nil	Nil	Nil	Rs.158	Rs.168
	Dte.of Tourism	Nil	Rs.20	Nil	Nil	Rs.208	Rs.228
	MTDC	Rs.46	Rs.30	Nil	Nil	Nil	Rs.76
47	<b><u>Urban Affairs</u></b>						
	Sectt.Deptt.	Nil	Nil	Nil	Nil	Nil	Nil
	Dte.of Urban Affairs	Nil	Nil	Nil	Nil	Nil	Nil
	Shillong Municipal Board	Nil	Nil	Nil	Rs.50	Nil	Rs.50

	Jowai Municipal Board	Rs.10	Nil	Nil	Nil	Rs.60	Rs.70
	MUDA	Nil	Rs.100	Rs.1874	Nil	Nil	Rs.1974
	Tura Municipal Board	Nil	Rs.40	Nil	Nil	Nil	Rs.40
	Williamnagar Municipal Board	Rs.88	Nil	Nil	Nil	Nil	Rs.88
	Resubelpara Municipal Board	Nil	Nil	Nil	Nil	Nil	Nil
<b>48</b>	<b><u>Metrology Department</u></b>						
	Sectt.Deptt.	Nil	Nil	Nil	Nil	Nil	Nil
	Controller of Legal Metrology	Nil	Rs.30	Rs.6	Nil	Nil	Rs.36
<b>49</b>	<b><u>Meghalaya Legislative Assembly</u></b>	Rs.30	Nil	Nil	Nil	I.P.O.	Rs.30
<b>50</b>	<b><u>Shillong Bench Gauhati High Court</u></b>						
<b>51</b>	<b><u>Governor's Secretariat, Raj Bhavan, Shillong</u></b>	Nil	Nil	Nil	Nil	Nil	Nil
<b>52</b>	<b><u>Meghalaya State Information Commission</u></b>	Nil	Nil	Nil	Nil	Nil	Nil
	<b><u>Total</u></b>	3042	8627	12397	2308	2025	28399

**7.6. Omission on the part of the public authorities/departments to furnish the requisite information/reports prescribed by Law for the Annual Report - 2009:**

As mentioned in the earlier pages of this Chapter, the data presented in Tables 7.2.1, 7.4.1 and 7.5.1 may not correctly reflect the full picture of the R.T.I. activities that had taken place during the year in the State as a number of Public Authorities had failed to comply with the legal requirement to furnish the relevant



information for the Annual Report. Table 7.6.1 below gives the list of such public authorities/departments

viz.,

**Table 7.6.1**

**Names of Public Authorities (with Departments) who failed to furnish requisite information for the Annual Report - 2010:**

Sl.No.	Name of Department	Name of Public Authorities
1	Agriculture	Secretariat
2	Arts & Culture	Secretariat
3	Border Areas Development	Directorate of Border Areas Development
4	Communication	Secretariat
5	Education	Secretariat
		DHTE
		DEPT
		DEME
		MBOSE
6	E.R.T.S.	Secretariat
		Superintendent of Stamps
		Registrar of Societies
		Commissioner of Excise
		Inspector General of Registration
		Meghalaya Commission of Resource Mobilization
7	Finance	Dte. Of Lottery
		Dte. of Accounts & Treasuries
8	Food & Civil Supplies	Dte. of Institutional Finance
		Meghalaya State Consumer Disputes Redressal Commission
9	Fisheries	Secretariat
10	G.A.D.	Office Estate Officer
11	Home (Police)	O/o DG & IG
		O/o ADG (CID)
		O/o ADG (R/PR)
		O/o IGP (L&O) Western Range
		O/o IGP (Trg. & Armed Police)
		O/o DIG (Eastern Range)
		O/o DIG, Western Range

		S.P. (Infil)
12	Health & Family Welfare	Secretariat
		DHS (MCH)
13	Home Guards & Civil Defence	Secretariat
14	Home (Jails)	Secretariat
15	Housing	Meghalaya State Housing Board
16	Industries	Secretariat
		MIDC
		MCCL
		MKVIB
		Meghalaya Handloom
		MHHDC
		MBCL
17	Information & Public Relations	Secretariat
		Dte. of IPR
18	Information Technology	Secretariat
19	Labour	O/o the Administrative Medical Officer
20	Planning	Secretariat
		M.E.D.C.
21	P.H.E.	Secretariat
		C.E.PWD (NH)
		Pollution Control Board
22	Printing & Stationery	Secretariat
23	P.W.D.	Secretariat
24	Sports & Youth Affairs	Secretariat
25	Social Welfare	Secretariat
		State Social Welfare Board
		State Commission for Women
		Commissioner for Person with Disabilities
26	Sericulture & Weaving	Secretariat
		Dte. of Sericulture & Weaving
27	Shillong Bench, Gauhati High Court	Shillong Bench, Gauhati High Court

## CHAPTER – 8

### Observations and recommendations of the State Information Commission

#### 8.1 Recommendations made in previous reports:

In pursuance of provisions Section 25(g) of the R.T.I. Act, the State Information Commission had made certain recommendations in its Annual Report during the last four years. Some of the recommendations have been acted upon by the Government. Some of them are however, are yet to be considered or acted upon.

Since the ourpose of the recommendation is for the development, improvement, modernizing and reforms or amendment of the Act or other legislation or common law or any other matter relevant for operationalising the right to access information, the Commission considers it appropriate to place on record such information which are yet to be considered or acted upon by the Government, viz.,

<b>Year/ Sl. No.</b>	<b>Recommendations</b>
2006 (1)	The Govt. in the Administrative Reforms Department to engage a competent consultant to study the existing system of Record Management and Record Computerization and to devise necessary reforms in the existing system.
(2)	The Govt. to make obligatory for the agencies implementing the MLA Schemes and MPLADS to publish the list of all such schemes (physical & financial) implemented during the year, constituency-wise.
2007 (1)	Providing supports to the PIOs in the form of enhance budgetary provisions for contingencies expenses and adequate facilities to make copies of documents to enable the PIOs to adhere to the time schedule required by Law.

	(2)	Providing token honorarium to the PIOs for the extra amount of works performed under RTI at the scale commensurate with the quantum of applications received and disposed off by them.
	(3)	To include specific item in the prescribed ACR form or assessment report of all Govt. officers with reference to officers' attitude towards implementation of the RTI Act.
	(4)	The decisions on all departmental proceedings against officers recommended by the Commission be entered into the service books/records of the officers concerned.
2009	(1)	All Govt. departments should place the updated manuals under section 4(1)(b) of the R.T.I. Act on their Websites. Departments who have not created their Websites may place the information with the Govt. Website immediately.
	(2)	Since the officials identified as PIOs/APIOs keep changing from time to time with the process of posting and transfer of officials, Govt. departments should take serious view of the training facilities offered by M.A.T.I. in their own interest. The Nodal Department on R.T.I. should take up with all the departments to ensure good response of public authorities on training facilities offered
	(3)	The Govt. in the Nodal Department should take serious note of this responsibility required of them under section 26(1) of the R.T.I. There should be adequate benefit provision for public awareness and education on Right to Information. The Commission also recommended that Right to Information should form a part of the core curriculum of school education.
	(4)	State Govt. is required to take a serious view of regular failures or negligence on the part of various incumbent-heads of departments to implement the provision of Section 25(2) of the R.T.I. Act reflecting such under-performance of their legal responsibilities, in the Annual Confidential Records of such officers.

**Recommendations:**

Again recommended to the State Govt., for implementation of the recommendations listed above which have not been acted upon so far.