

ASHOK PILLAR

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ANNUAL REPORT

2013

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MEGHALAYA STATE INFORMATION COMMISSION

8TH
ANNUAL REPORT

2013

Meghalaya State Information Commission

New Administrative Building,

Lower Lachumiere,

Shillong – 793001,

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Photo on cover is the Living Root Bridge, Nongriat, East Khasi Hills District.

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**Meghalaya State Information Commission
Annual Report - 2013**

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Chapter – 1

Introduction.

The Right to Information Act, 2005 has completed another mile stone of its journey since its enactment in 2005. With the passage of time, the awareness of the residents of the State about their rights under the Act has increased. The eagerness of the Public to obtain access to information is gaining momentum day by day. This has kept the public authorities always on vigil as any lapse or dereliction will invite penal and disciplinary action against the Public Information Officers.

With an informed citizenry, it will now be difficult for the employees of any Public Authority to deny any information unless it is exempted under the Act. Their activities are under the watchful eye of the pro-active R.T.I. activists spreading all over the state. Any decision taken, rightly or wrongly, can no longer be kept hidden under any pretext as at any point of time as the same will have to be disclosed whenever desired and put under scanner of the public.

The positive impact of the R.T.I., 2005 is that, to a great extent, it has ensured accountability and transparency in the functions of the public authorities, a scenario, which one would have never been thought of a few years ago. Now it has become a reality. Thus providing information has now become a rule rather than an exception.

According to the Right to Information Act, 2005, the Public Information Officer (PIO) is the pivot, who plays a major role in the entire process of providing information. The PIO functions as a quasi-judicial authority. Any refusal or denial of information by the PIO is liable to be questioned by way of a Complaint or Appeal as provided under the law. As such, the functions of the PIOs are therefore crucial. To avoid any penalty, they have to function responsibly and they are to exercise their power judiciously and correctly.

Instances have come to the notice of the Commission when PIO takes a plea that the senior officers of the Department delay in approving R.T.I. related matters without any decision or belatedly approved them, which consequently delay furnishing the information to the applicant. The Act clearly provides that the PIO acts as quasi judicial authority. Any delay beyond the statutory period may put the PIO in a situation, which may lead to penal and disciplinary action. While it is responsibility of the PIO to dispose of such requests, being a quasi judicial authority, his seniors also should cooperate as it is PIO who is wholly responsible and have to face the consequences under the Act for non furnishing of information without any reasonable cause.

The mandatory provisions under section-25 (1) of the Right to Information Act, 2005, requires the State Information Commission to prepare the Annual Report on the implementation of the provisions of the Act, during that year as soon as practicable after the end of each year and forward a copy of the report thereof to the Government, who subsequently under section-25 (2), as soon as practicable at the end of each year cause a copy of the Annual Report of the State Information Commission, in accordance with Section-25 (4), to be laid before the State Legislature.

In this report, as far as possible, on the basis of information received, we have reflected the total number of requests made and disposed of by the Public Information Officers, the total amount of fees collected and the number of first appeals preferred by the appellants. The total number of Complaints filed by those information seekers, whose request have been denied or failed to get any response from the PIOs and those Appellants, who were aggrieved with the decisions of the Departmental Appellate Authority, were also reflected in the Report. We have also incorporated in the Report some of the important decisions passed by the Commission for the benefit of the PIOs and other functionaries dealing with R.T.I. matters.

This is the eighth Report prepared by the Meghalaya State Information Commission in pursuance of the provisions of the Act. While preparing the Report, efforts were being made to focus on those items required under various sections of the Act.

The Meghalaya State Information Commission is pleased to present to the State Government of Meghalaya its eighth Report for the period from 1st January, 2013 to 31st of December, 2013.

Chapter – 2

Powers and functions of the Meghalaya State Information Commission.

2.1 The Meghalaya State Information Commission was constituted vide Government of Meghalaya Notification No: IPR 48/2005/pt 11/10 dated 3.10.2005 read with Notification No-IPR 48/2005/52/11 dated 7.10.2005, with its Headquarters at Shillong. The present incumbent, Shri C.D. Kynjing IAS (Rtd), assumed charge of the office of the Chief Information Commissioner on 7.7.2011.

The Meghalaya State Information Commission was constituted to exercise powers and to perform duties and functions as laid down under the provisions of the Act. Section 15(4) of the Act, provides that general Superintendence, direction and management of the affairs of the State Information Commission shall vest in the State Chief Information Commissioner, who may exercise all such powers and do all such acts and things as may be exercised or done by the State Information Commission autonomously, without being subjected to directions by any other authority.

The Right to Information Act, 2005, also prescribes that the State Government shall provide the State Chief Information Commissioner, with such officers and staff as may be necessary for the efficient performance of his duties and functions under the Act, and the salaries and allowances payable to and the terms and conditions of service shall be such as may be prescribed.

To enable the Commission to function effectively, the following posts have been created and filled up by the State Government:-

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 The Commission has no office building of its own. At present it carries its functions from the temporary accommodation allotted by the Government on the First Floor of the Administrative Building at Lower Lachumiere, Shillong.

The present official address of the Commission is as follows:-

Meghalaya State Information Commission,

New Administrative Building,

Lower Lachumiere,

Shillong – 793001

Phone No – (0364) 2500179

Website – www.megsic.gov.in

2.3 **Nodal Department :**

The Personnel & Administrative Reforms Department is the Nodal Agency for the Information Commission. All matters, Administrative and financial are being taken up and routed through the Nodal Department. The Annual Report prepared by the Commission under Section 25 (1) of the Right to Information Act, 2005 is forwarded every year through the Nodal Department for laying the same before the Meghalaya Legislative Assembly.

2.4 **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.

2.5 **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.

2.6 **Names and designation and particulars of the Information Officers:**

Sl.No.	Name of Public Authority	Name & Designation etc. of the Designated Appellate Authority	Names & Designation of the PIO
1	Meghalaya State Information Commission	Shri S.F. Khongwir, IAS (Retd.) Secretary Meghalaya State Information Commission, Phone – 2500179 (Office) Address: Lower Lachumiere Shillong – 793001, Meghalaya	Shri J.S. Cajee, Under Secretary, Meghalaya State Information Commission, Phone – 2500179 (Office) Address: Lower Lachumiere Shillong – 793001, Meghalaya

2.7 **Budget & Accounts of the Commission:**

The Budget for the State Information Commission is published in the Budget book of the Government under Grant No: 13 under the Budget Head of Account “2251-Secretariat Social Services-Non-Plan and State Plan 090-Secretariat (12) Meghalaya Information Commission (RTI Act)-General Area Non-Plan”.

During the financial year 2013-2014 the Budget & Accounts of the Commission and actual expenditure are as follows:

Detailed Head	Budget Head Description 2251-Secretariat Social Services-Non-Plan and State Plan 090-Secretariat (12) Meghalaya Information Commission (RTI Act)-General Area Non-Plan	(In ₹)	
		Budget Provision for the year 2013-2014	Expenditure upto 31-12-2013
01	Salaries	59,00,000/-	44,58,817/-
02	Wages	2,80,000/-	2,82,380/-
06	Medical Treatment	5,20,000/-	4,01,770/-
11	Domestic Travel Expenses	3,65,000/-	12,996/-
13	Office Expenses	5,65,000/-	2,76,993/-
16	Publications	4,75,000/-	Nil
21	Supplies & Materials	3,20,000/-	1,37,825/-
28	Professional Services	4,20,000/-	2,00,000/-
50	Other Charges	80,000/-	Nil
51	Motor Vehicles	1,85,000/-	1,04,720/-
52	Machinery & Equipment	70,000/-	Nil
Total		91,80,000/-	58,75,501/-

2.8 **Activities undertaken by the Commission during the year:**

- (i) As already stated in the foregoing paragraphs, the main function of the Commission is to hear appeals preferred to and to enquire into the Complaints filed by the aggrieved parties. During this year 2013, the Commission had received 41 number of Complaints and Appeals. There were 8 cases carried over from last year. So the total number of both appeals and complaints were 49 cases. Of these 47 cases were disposed of during the year and 2 cases carried over to next year.
- (ii) Preparation and Publication of the Eighth Annual Report.
- (iii) During the year the Commission had also taken part in various programmes and other official functions as follows:-

Date	Place	Nature of Programme/Activity
05.04.2013 to 08.04.2013	Raipur, Chhattisgarh	Attend meeting of the Board of Governors, NFICI.
17.04.2013	NEPA, Barapani	Attend workshop on R.T.I.
22.05.2013	MATI, Shillong	Training on R.T.I. for Government officials
10.07.2013 to 13.07.2013	New Delhi	Attend meeting with Central Information Commission
31.08.2013 to 05.09.2013	New Delhi	Attend Annual Convention & NFICI meeting.

Chapter – 3

Disposal of Complaints by the State Information Commission:

3.1 Section 18(1) of the R.T.I. Act, 2005, empowers the State Information Commission to receive and inquire into a complaint from any person:-

- (a) Who has been unable to submit a request to any Public Information Officer, either by reason that no such officer has been appointed under this Act or because the State Assistant Public Information 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 a Senior Officer specified in Sub-Section (1) of section 19 of the R.T.I. Act.
- (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.

While inquiring into such Complaint under the above section, the State Information Commission shall have the same Powers as that of the Civil Court under the Code of Civil procedure, 1908 in respect of the following matters namely:-

- (a) Summoning and enforcing attendance of Persons to give evidence or produce documents;
- (b) Requiring the discovery and inspection of documents;
- (c) Receiving evidence on affidavit;
- (d) Requisitioning any Public record or copies thereof from any court or office.
- (e) Issuing summons for examination of witnesses or documents and
- (f) Any other matter which may be prescribed.

During the year 2013, a total number of 28 Complaints were received in the Commission. Out of these, 32 cases were disposed of during the year including 4 cases

carried over from the previous years. The break up of the Complaints received and disposed of Departments-wise is given in the Table 3.1.1. below:

Table 3.1.1

Department-wise receipt and disposal of Complaints by the Commission during 2013:

Sl.No	Name of the Department	No. of Complaints pending with the Information Commission at the end of last year	No. of Complaints filed during the year	Total No. of Complaints with the Information Commission	No. of Complaints disposed and acted upon	No. of Complaints disposed and rejected
1	Border Area Development Department	-	1	1	1	-
2	C & RD	2	2	4	4	-
3	C.M. Secretariat	-	1	1	1	-
4	D.C. West Khasi Hills Nongstoin	1	1	2	2	-
5	D.C. East Khasi Hills Shillong	1	1	2	2	1
6	D.C. East Jaintia Hills, Khliehriat	-	1	1	1	-
7	Education	-	12	12	12	-
8	Election	-	1	1	1	-
9	Forest Department	-	1	1	1	-
10	Health Department	-	1	1	1	-
11	Home Department (Police)	-	1	1	1	-
12	JHADC	-	1	1	1	-
13	KHADC	-	3	3	3	-
14	MPSC	-	1	1	1	-
	Total:	4	28	32	32	

Details of the Complaints disposed by the Commission are shown in the Table 3.1.2 below:

3.1.2. Details of the Complaints disposed by the Commission during 2013

Sl.No.	Case No.	Name of Complainant	Name of PIO/Public Authority
1	MIC/Complaint/46/2012/7 Dated 25-4-2013 (Recd 5-11-2012)	Smti Irene P.Hujon, President, CSWO, Shillong and others,	PIO, Deputy Commissioner (Revenue), & (Records), East Khasi Hills, Shillong. (Carry over from 2012)
2	MIC/Complaint/48/2012/15 Dated 14-1-2013 (Recd 14-11-2012)	Shri Prince A.Sylliang, Nongpoh, Ri Bhoi District.	PIO, Project Director, DRDA, Nongpoh. (Carry over from 2012)
3	MIC/Complaint/51/2012/37 Dated 24-4-2013 (Recd 13-12-2012)	Shri D.Dkhar, Genl. Secy., Nongtoin Local Taxi & Driver Association.	PIO, Nongstoin Town Committee, Nongstoin (Carry over from 2012)
4	MIC/Complaint/52/2012/12 Dated 24-4-2013 (Recd 15-12-2012)	Shri Sengbat R.Marak, Daram-Gittinggre, North Garo Hills, Resubelpara.	PIO, BDO, C&RD Block, Resubelpara, North Garo Hills. (Penalty & Compensations) (Carry over from 2012)
5	MIC/Complaint/2/2013/10 Dated 24-4-2013 (Recd 18-1-2013)	Shri K.Suting and others , 12 Shnong, Sohra, East Khasi Hills.	PIO, Block Mission Coordinator, Sarva Shiksha Abhiyan, Shella – Bholaganj, C&RD Block.
6	MIC/Complaint/3/2013/12 Dated 24-4-2013 (Recd 18-1-2013)	Shri K.Suting and others , 12 Shnong, Sohra, East Khasi Hills.	PIO, Block Mission Coordinator, Sarva Shiksha Abhiyan, Shella – Bholaganj, C&RD Block. (Penalty)
7	MIC/Complaint/4/2013/15 Dated 11-2-2013 (Recd 21-1-2013)	Shri D.Dkhar, Genl. Secy., Nongtoin Local Taxi & Driver Association.	PIO & Secretary, Selection Committee, West Khasi Hills, Nongstoin.
8	MIC/Complaint/5/2013/10 Dated 25-3-2013 (Recd 4-2-2013)	Shri E.M.Jose, News Editor, The Shillong Times, Rilbong, Shillong.	PIO, Chief Minister's Secretariat, Meghalaya, Shillong.
9	MIC/Complaint/6/2013/11 Dated 29-4-2013 (Recd 26-3-2013)	Angela Rangad, Laban, Shillong	PIO & DSP (CID), Meghalaya, Shillong.
10	MIC/Complaint/8/2013/ Dated 29-4-2013 (Recd 4-4-2013)	Shri Balse Kharbani and others, Phodkroh Village, Panchiring Syiemship, South West Khasi Hills, Mawkyrwat.	PIO, Directorate, Border Area Development, and PIO, Border Area Development Officer, Ranikor.
11.	MIC/Complaint/7/2013/5 Dated 29-4-2013	Shri Chesterfield Khongsdam, Pynursla,	PIO and BDO, Pynursla, C&RD Block, East Khasi Hills.

	(Recd 8-4-2013)	East Khasi Hills.	
12.	MIC/Complaint/16/2013/19 Dated 3-6-2013 (Recd 12-4-2013)	Shri Commanderful Sana, Jaintia Hills.	PIO & Chief Forest Officer, JHADC, and PIO & DMO, Jaintia Hills.
13.	MIC/Complaint/10/2013/7 Dated 27-5-2013 (Recd 26-4-2013)	Shri Fairson Kharjana, 3 rd Mile Upper Shillong.	PIO viz., SDO (Civil) Mairang, in –charge Election, Mairang, West Khasi Hills.
14.	MIC/Complaint/13/2013/6 Dated 24-6-2013 (Recd 1-5-2013)	Satvir Singh, Haryana, India.	PIO, CMJ, University, Laitumkhrach, Shillong.
15.	MIC/Complaint/14/2013/13 Dated 28-5-2013 (Recd 14-5-2013)	Shri Sandeep Sharma, M.N. 528, New Hamida Colony, District Yamuna Nagar, Haryana.	PIO, CMJ, University, Laitumkhrach, Shillong.
16	MIC/Complaint/15/2013/3 Dated 3-6-2013 (Recd 28-5-2013)	Mrs Sarla Devi, 5411 Upper Lohali, Ward No.2, upper Lohali, P.O. & Tehsil – Dalhousie, District Chamba (H.P) – 1763-4.	PIO, CMJ, University, Laitumkhrach, Shillong.
17	MIC/Complaint/16/2013/57 Dated 8-7-2013 (Recd 31-5-2013)	Smti Angela Rangad, Laban, Shillong.	PIO & Under Secretary, Revenue Deptt., & PIO & ADC (Revenue) East Khasi Hills.
18	MIC/Complaint/17/2013/7 Dated 11-6-2013 (Recd 7-6-2013)	Ravi Jain, Hansi (Hisar) Haryana, India.	PIO, CMJ, University, Laitumkhrach, Shillong.
19	MIC/Complaint/18/2013/4 Dated 25-6-2013 (Recd 17-6-2013)	Dharmendra Antil Advocate, Panipat, Haryana.	PIO, CMJ, University, Laitumkhrach, Shillong.
20.	MIC/Complaint/19/2013/7 Dated 26-6-2013 (Recd 25-6-2013)	Shrinivas Balasubramanyam Kishor, Chandrapur – 4422401 (M.S.)	PIO, CMJ, University, Laitumkhrach, Shillong.
21.	MIC/Complaint/21/2013/19 Dated 23-9-2013 (Recd 22-7-2013)	Shri Rehan Uddin Laskar, Silchar, Assam.	PIO viz., ADM, East Jaintia Hills District, Khliehriat, and Deemed-PIO, viz., Superintendent of Police, East Jaintia Hills District, Khliehriat
22.	MIC/Complaint/22/2013/29 Dated 26-8-2013 (Recd 7-8-2013)	Shri Michael N.Syiem, Jaiaw Lumsyntiew, Shillong - 2	PIO & Conservator of Forests (T&WL) Khasi & Jaintia Hills Region. (Penalty Rs.3250/-)
23.	MIC/Complaint/24/2013/5 Dated 21-8-2013 (Recd 19-8-2013)	Sanjay Kumar Singh, Village Bhringichak, Post- Semariya, DS-Kateya, Gopalganj, Bihar – 841441.	PIO, CMJ, University, Laitumkhrach, Shillong.

24	MIC/Complaint/25/2013/3 Dated 28-8-2013 (Recd 23-8-2013)	Shri Nitesh S/o Mange Ram, Pinjore District, Panchkura, Haryana - 134102	PIO, CMJ, University, Laitumkhrach, Shillong.
25	MIC/Complaint/26/2013/12 Dated 28-10-2013 (Recd 26-8-2013)	Shri G.C.Momin, West Garo Hills, Tura.	PIO & Chief Controller of Exams, M.P.S.C., Shillong
26.	MIC/Complaint/27/2013/5 Dated 23-9-2013 (Recd 3-9-2013)	Shri A.R.Mawniuh, Mawlai-Mawroh, Shillong.	PIO, Khasi Hills Autonomous District Council, Shillong.
27.	MIC/Complaint/28/2013/5 Dated 30-9-2013 (Recd 17-9-2013)	Shri Minhaj Uddin Hussain, Badarpur, Karimganj District.	PIO & Principal-cum-Secretary, Don Bosco College, West Garo Hills, Tura.
28.	MIC/Complaint/29/2013/13 Dated 7-10-2013 (Recd 1-10-2013)	Shri Bankhrawnam Thangkhiew, 3 rd Mile, Kynton, Shillong.	DAA, Khasi Hills Autonomous District Council, Shillong.
29.	MIC/Complaint/30/2013/9 Dated 7-10-2013 (Recd 1-10-2013)	Shri Bankhrawnam Thangkhiew, 3 rd Mile, Kynton, Shillong.	DAA, Khasi Hills Autonomous District Council, Shillong.
30	MIC/Complaint/31/2013/6 Dated 9-10-2013 (Recd 4-10-2013)	Shri Rajni Bala, VPO, Biana, District – Karnal, Haryana.	PIO, C.M.J. University, Laitumkhrach, Shillong.
31	MIC/Complaint/33/2013/15 Dated 2-12-2013 (Recd 10-10-2013)	Shri Romeo Ksoo, Mynsngap, West Jaintia Hills.	PIO & B.DO., Thadlaskein C&RD Block, West Jaintia Hills.
32	MIC/Complaint/35/2013/15 Dated 30-10-2013 (Recd 29-10-2013)	Shri Chander Pal, New Delhi.	PIO, Civil Hospital Shillong, and FAA, Civil Hospital, Shillong.

3.1.3 Table 3.1.3 below indicates year-wise disposal of Complaints by the Commission during the last 8 years

Table 3.1.3

Year	Total No. of Complaints	No. of Complaints disposed	No. of Complaints Rejected
2006	11	9	1
2007	39	38	13
2008	37	36	12
2009	47	45	12
2010	41	32	7
2011	31	31	-
2012	43	39	-
2013	32	32	-

3.2 Reasons for filing of Complaints to the State Information Commission:

Most of the Complaints lodged with the Commission were due to violation of Sec-18 (1) (b) and 18 (1) (c) of the R.T.I. Act, that is refusal to give access to any information or who failed to response to a request for information within the time limit specified under the Act. In fact most of the Complaints filed were under these grounds.

Table 3.2.1 below gives a picture of Complaints filed under different sub-sections of section-18 of the Right to Information Act, 2005.

Table 3.2.1

Details of sections and sub-sections under which Complaints were filed with the Commission:

Sections & Sub-Sections	No. of Complaints carried over from last year	No. of Complaints filed during the year	Total No. of Complaints with the Commission	No. of Complaints disposed	No. of Complaints rejected
18 (1) (a)	-	-	-	-	-
18 (1) (b)	4	18	22	22	-
18 (1) (c)	-	10	10	10	-
18 (1) (d)	-	-	-	-	-
18 (1) (e)	-	-	-	-	-
18 (1) (f)	-	-	-	-	-
Total:	4	28	32	32	-

Chapter – 4

Hearing and disposal of Second Appeals by the Commission:

4.1 Another important function of the State Information Commission is to receive and hear appeals preferred by the Information seekers against the PIOs and Designated Appellate Authorities (DAA). Section 19 of the R.T.I. Act, 2005, provides 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.

During the year 13 second appeals were received by the Commission and 4 appeals carried over from the previous year. Of these 15 appeals were disposed of and the remaining 2 were carried over to the next year.

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

Table 4.1.1**Department-wise receipt and disposal of second appeals by the Commission:**

Sl. No.	Name of Department	No. of appeals pending with the Commission at the end of last year	No. of appeals preferred during the year	Total No. of appeals with the Commission	Total No. of appeals disposed	No. of appeals rejected
1	Education	3	6	9	8	-
2	Home (Police)	-	1	1	1	-
3	JHADC	-	1	1	1	-
4	KHADC	1	1	2	1	-
5	PWD	-	2	2	2	-
6	Taxation Department	-	2	2	2	-
	Total	4	13	17	15	-

* Two appeals were carried over to next year.

Table 4.2.1

Details and Particulars of the Second appeals disposed of by the Commission during the year.

Sl.No.	Case No.	Name of Appellant	Name of PIO/Public Authority
1.	MIC/Appeal/15/2012/93 Dated 7-1-2013 (Recd 27-7-2012)	Shri Imam Md. Abu Alam Abdullah, West Garo Hills,.	PIO, Hallidayganj, G/A Secondary School, West Garo Hills. (Carry Over from 2012)
2.	MIC/Appeal/12/2012/21 Dated 23-5-2013 (Recd 27-8-2012)	Shri Jaspal Singh Riar, Sirsa, Haryana.	FAA and PIO, CMJ, University, Laitumkrah, Shillong. (Carry over from 2012)
3.	MIC/Appeal/11/2012/20 Dated 7-1-2013 (Recd 30-8-2012)	Smti Agnes Kharshiing, Laitumkrah, Shillong.	PIO, D.S.E.L., Shillong (Carry over from 2012)
4.	MIC/Appeal/13/2012/80 Dated 13-5-2013 (Recd 6-11-2012)	Smti Bahunlang Rumnong, Pynthorbah, Shillong	PIO, Myllem Syiemship, Shillong. (Carry over from 2012)
5.	MIC/Appeal/1/2013/7 Dated 22-4-2013 (Recd 1-4-2013)	Shri Venkatesh Nayak, B- 117, Sarvodaya Enclave, New Delhi – 110017.	PIO o/o the Director General of Police, Meghalaya.

6.	MIC/Appeal/3/2013/6 Dated 17-5-2013 (Recd 4-5-2013)	Shri S.K.Sharma, Guwahati.	PIO and FAA, Commissioner of Taxes, Meghalaya, Shillong.
7.	MIC/Appeal/2/2013/23 Dated 24-6-2013 (Recd 7-5-2013)	Narinder Sangwan, Haryana, India.	FAA and PIO, CMJ, University, Laitumkhrah, Shillong.
8.	MIC/Appeal/4/2013/4 Dated 28-5-2013 (Recd 24-5-2013)	Vijay W/o Dharam Vir Singh, H. No. 484 E.W.S. Housing Board Colony, Narnaul 123001, Haryana.	FAA and PIO, CMJ, University, Laitumkhrah, Shillong.
9.	MIC/Appeal/5/2013/18 Dated 2-8-2013 (Recd 18-7-2013)	Shri Batskhem Myrboh, Nongrah, Shillong.	PIO and DAA, Education Department, Meghalaya.
10.	MIC/Appeal/6/2013/29 Dated 11-11-2013 (Recd 25-7-2013)	Shri Anowar Islam, Halidayganj, West Garo Hills, Meghalaya.	PIO and District School Education Officer, West GARO Hills, Tura (Penalty)
11.	MIC/Appeal/14/2013/14 Dated 2-8-2013 (Recd 30-7-2013)	S.P.Bhardwaj, Advocete, District Karnal, Haryana.	FAA and PIO, CMJ, University, Laitumkhrah, Shillong.
12.	MIC/Appeal/7/2013/34 Dated 26-8-2013 (Recd 6-8-2013)	Shri M.H.Dkhar, Wapungskur, East Jaintia Hills.	FAA , JHADC, Jowai & PIO & Finance & Accounts Officer, JHADC, JOwai. (Rejected)
13	MIC/Appeal/8/2013/42 Dated 28-10-2013 (Recd 22-8-2013)	Shri S.K.Sharma, Guwahati.	PIO and FAA, Commissioner of Taxes, Meghalaya, Shillong.
14	MIC/Appeal/11/2013/12 Dated 11-11-2013 (Recd 8-10-2013)	Shri Alaric Lyngdoh, Laitkor Rngi, East Khasi Hills, Shillong.	PIO viz., Dy.CE, PWD (Roads), Meghalaya, Shillong and FAA viz., CE, PWD (Roads), Meghalaya, Shillong. (Penalty)
15	MIC/Appeal/12/2013/14 Dated 12-11-2013 (Recd 10-10-2013)	Smti Sophila Mawlong & others, Mawphlang, East Khasi Hills.	PIO viz., E.E., PWD (Roads), Shillong South Division, & FAA viz., Addl.CE, PWD (Roads), Eastern Zone.

Table 4.2.2

Table below indicates year-wise disposal of second appeals by the Commission during the last eight years:

Year	Total No. of Appeals	No. of Appeals Disposed	No. of Appeals Rejected
2006	6	6	-
2007	18	18	-
2008	23	20	-
2009	37	34	-
2010	17	14	1
2011	13	8	5
2012	8	4	-
2013	17	15	-

Chapter – 5

Penalties/Compensation and Disciplinary Action:

(Section 20 (1) of the R.T.I. Act, 2005)

5.1 Penalties imposed by the State Information Commission:

The State Information Commission under Section 19 (8) is empowered to impose penalties in accordance with the provisions laid down under the Act. Section 20 (1) of the Act, provides that, “where the Central Information Commission or State Information Commission” as the case may be, at the time of deciding any complaint or appeal is of the opinion that the Central Information Officer or State Information Officer, as the case may be, has without any reasonable cause refused to receive an application for information or has not furnished the information within the time specified under sub-section (1) of Section 7 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 Information Officer or the State Information Officer, as the case may, 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 Public Information Officer as the case may be.

While exercising the above Power, in every case, the Commission gave an opportunity to the PIO, by issuing a show-cause notice to him/her, asking to explain as to why penalty under Section 20 (1) should not be imposed against him/her for violation of the Provisions of the R.T.I. Act, 2005. After giving them an opportunity of hearing and after detailed examination and consideration of all the papers and documents available and produced before the Commission on record and only when the Commission is convinced and satisfied that the PIO has contravened the law, that the Commission imposed penalty on them.

The Commission in exercise of the above power has during the year 2012 imposed the following penalties as indicated in Table 5.1.1.

Table 5.1.1 below indicates the Penalties imposed during 2013 by the State Information Commission:

Sl. No.	Case No.	Name of the Complainants/ Appellants	Name of the PIO/Public authorities	Amount of Penalty
1.	MIC/Complaint/52/2012/8 Dated 24-4-2013 (Recd 15-12-2012)	Shri Sengbat R.Marak, Daram- Gittinggre, North Garo Hills, Resubelpara.	PIO, BDO, C&RD Block, Resubelpara, North Garo Hills. (Carry over from 2012)	₹ 2000/- (Penalty)
2.	MIC/Complaint/3/2013/12 Dated 24-4-2013 (Recd 18-1-2013)	Shri K.Suting and others , 12 Shnong, Sohra, East Khasi Hills.	PIO, Block Mission Coordinator, Sarva Shiksha Abhiyan, Shella – Bholaganj, C&RD Block.	₹ 7000/- (Penalty)
3.	MIC/Appeal/13/2012/80 Dated 13-5-2013 (Recd 6-11-2012)	Smti Bahunlang Rumnong, Pynthorbah, Shillong	PIO, Myllem Syiemship, Shillong. (Carry over from 2012)	₹ 18,250/- (Penalty)
4.	MIC/Complaint/16/2013/19 Dated 3-6-2013 (Recd 12-4-2013)	Shri Commanderful Sana, Jaintia Hills.	PIO & Chief Forest Officer, JHADC, and PIO & DMO, Jaintia Hills.	₹ 10,000/- (Penalty)
5.	MIC/Complaint/22/2013/29 Dated 26-8-2013 (Recd 7-8-2013)	Shri Michael B.Syiem, Jaiaw Lumsyntiew, Shillong - 2	PIO & Conservator of Forests (T&WL) Khasi & Jaintia Hills Region.	₹ 3250/- (Penalty)
6.	MIC/Appeal/11/2013/12 Dated 11-11-2013 (Recd 8-10-2013_	Shri Alaric Lyngdoh, Laitkor Rngi, East Khasi Hills, Shillong.	PIO viz., Dy.CE, PWD (Roads), Meghalaya, Shillong and FAA viz., CE, PWD (Roads), Meghalaya, Shillong.	₹ 19,000/- (Penalty)

7.	MIC/Appeal/6/2013/29 Dated 11-11-2013 (Recd 25-7-2013_	Shri Anowar Islam, Halidayganj, West Garo Hills, Meghalaya.	PIO and District School Education Officer, West GAro Hills, Tura (Penalty)	₹ 25,000/- (Penalty)
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5.2. Further, u/s 19 (8) (b) of the R.T.I. Act, the State Information Commission, is empowered to direct the Public Authority to pay compensation to the Complainant or the appellant, for any loss or other detriment suffered by them in course of the process to get access to information. The Act, also empowers the Commission, u/s 20 (2) to recommend for disciplinary action against the PIO who failed to receive an application for information or has not furnished the information within the time specified 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.

During the year 2013, the Commission has awarded the following Compensation in pursuance of Section 19 (8) (b) of the R.T.I. Act, 2005.

Sl. No.	Case No.	Name of the Complainants/ Appellants	Name of the PIO/Public authorities	Amount of Compensation
1.	MIC/Complaint/52/2012/8 Dated 24-4-2013	Shri Sengbat R.Marak, Daram- Gittinggre, North Garo Hills, Resubelpara.	PIO, BDO, C&RD Block, Resubelpara, North Garo Hills.	₹ 2000/-

Chapter – 6

Highlights of some of important decisions of the Commission.

Orders passed by the Commission during 2013:

MEGHALAYA INFORMATION COMMISSION, SHILLONG

....

Case. No. MIC/Appeal/11/2012/24

Smti Agnes Kharshiing, Laitumkhrah, Shillong - Appellant

-Vrs-

PIO, Directorate of School Education & Literacy, Shillong
FAA, Directorate of School Education & Literacy, Shillong } Respondents

ORDER

7-1-2013 Case records put up today.

The Appellant, Smti Agnes Kharshiing is present. The Respondent-PIO, and Deputy Secretary, Education Department, Govt. of Meghalaya, Shri B.S.Sohliya is also present along with the show cause.

The Appellant in her submission stated that till date she has not received the CBI Report as requested by her and it appears that the Govt. has always a tendency to protect the corrupt practices on the officers and other authorities of the Department and therefore is not willing to furnish the CBI Report to her. According to her, the CBI Report is completed and the Court had already given a direction and therefore there is no further matter which is pending for enquiry. The matter concerns the right of the candidates who have been deprived of their rights in not getting appointment due to the negligence and corrupt practices by way of overwriting of the marks so that candidates who are eligible have been deprived of getting their appointments. She also pointed out that this is a violation of human rights of the applicants and in this connection quoted the O.M. No. 1/24/2007/IR Dated 14-11-2007 of DOPT, Govt. of India. She submitted that a lot of delay has already occurred and therefore the CBI Report should be furnished to her at the earliest.

The Respondent-PIO in his submission stated that it is a fact that he has received an RTI application of Smti Agnes Kharshiing on 15-6-2012, which he subsequently transferred to the Directorate of School Education and Literacy on 20-6-2012 vide letter No.EDN.164.2008/216. At that time the Division Bench of the High Court has not given its final orders and the copy was still under seal cover, as such he was not aware of the fact and hence the application was transferred to the Directorate of School Education and Literacy. He also admitted that there are some procedural lapses which have occurred through oversight. With respect to the furnishing of the CBI Report he submitted that in pursuance of the order of the Division Bench of the High Court dated 16-8-2012, a High Level Scrutiny Committee has been constituted vide Notification No.EDN.CC.13/2012/86dated 12th October, 2012. In view of the fact that the enquiry by the Committee is in progress, he stated that the CBI report cannot be divulged as on date and has quoted section 8(1) (h) of the RTI Act 2005 which provides that **“Notwithstanding anything in this Act , there shall be no obligation to give any citizen,....”information which would impede the process of investigation or apprehension or prosecution of offenders;**” Hence according to him, under Section 8 (1)(h) of the RTI Act, 2005, the information cannot be furnished as of now.

Discussion:

The Appellant has submitted that she has filed an application on 15-6-2012 to the PIO Education Department. The PIO without proper examination of the application has forwarded it to the PIO of Directorate of School Education and Literacy, who has furnished the reply on other items except the CBI Report for which it was stated that, **“matter is “subjudice” and CBI Report is still in sealed cover and not sent to the Directorate”**. From the above, it implies that as on that date, the CBI Report, although in seal cover, is with the Administrative Department. The PIO, Education Department should have informed the Appellant accordingly that the orders of the Division bench is awaited and that would have resulted in the end of the proceedings. However, this was not done and during the pendency of this Appeal, certain development has taken place in which the Division Bench of the High Court has issued an order,...

“To constitute a High level Scrutiny Committee of officials without any stigma to scrutinize and review the records regarding the candidature of the selected and unselected candidates involved within the ambit and scope of connecte51(SH)/2010d writ petitions being W.P.(C) Nos.106 (SH)/2010, 51(SH)/2010, 52 (SH)/2010, 88(SH)/2010, 408(SH)/2010, 267(SH)/2010, 50(SH)/2010, 15(SH)/2010 and 182(SH)/2010 so as to ascertain the legality/basis of such selection or non-selection, as the case may be, and thereafter by segregating the tainted candidates from the non-tainted, take appropriate actions in accordance with law to offer appointment/confirm appointments of duly selected candidates whether already appointed or not and also terminate the candidature/appointment of the ineligible candidates and appoint eligible candidates including the writ petitioners, if found suitable. While undertaking this exercise the authorities shall also take beneficial assistance and guidance of the findings, if any, recorded legitimately by the CBI in its enquiry report now lying at the custody of the State Authorities. Needless to say, it will also be the duty of the State Government not to spare any officer or authority, howsoever high he may be, if any deliberate complicity is found in the matter of vitiating or otherwise interfering with the selection process”.

In pursuance of this order, the Government has already constituted a High Level Scrutiny Committee vide Notification No.EDN.CC.13/2012/86 dated 12th October, 2012. Thus the work of this Committee, according to the orders quoted above, is of the nature of investigation, which is to find out if there are any officers or authorities, who have violated the Govt. norms. While undertaking the exercise, the authorities also shall have to take the assistance and guidance of the finding of CBI Report.

The Division Bench of the Central Information Commission in *Shri Govind Jha Vs Army Hqs (CIC/80/2006/00039 dated 1.6.2006)* observed, *“while in criminal law, an investigation is said to be completed with the filing of the charge sheet in the appropriate court by an investigation agency, in case of vigilance related enquiries, misconduct and disciplinary matters, the investigation can be said to be over only when the competent authority makes a determination about the culpability or otherwise of the person or persons*

investigated against. In that sense, the word 'investigation' used in section 8(1) (h) should be construed rather broadly and should include all inquiries, verification of records , assessments and so on which may be ordered in specific cases. In all such matters, the inquiry or investigation should be taken as completed only after the competent authority makes a prima-facie determination about the presence or absence of guilt on receipt of the investigation/inquiry report from the investigation/ inquiry officer.”

Thus from this decision, the term investigation used in Section 8(i)(h) of the Act should be construed to include all enquiry, verifications of records assessment and so on which has been ordered as in this case by the Division Bench of the High Court. The enquiry or investigation will be taken as complete only after the competent authority makes the prima-facie determination about presence or absence of guilt by the Competent authority, on receipt of the report of the High Level Scrutiny Committee. Disclosing of the CBI Report at this stage may result in influencing and interfering the decision of the High Level Scrutiny Committee, which is not desirable.

From the above discussion, the Commission tends to agree with the contention that section 8(1) (h) is applicable in this case and is of the opinion that the CBI Report cannot be divulged at this stage till the whole process is completed.

The Appeal is therefore dismissed.

Before parting with the records, the Commission would also caution the PIO that in future he should take care and act strictly in accordance with the provisions of the RTI Act 2005.

(C.D.Kynjing)
C.I.C.

MEGHALAYA INFORMATION COMMISSION, SHILLONG

....

No.MIC/Complaint/46/2012/19

- 1) Smti Irene P. Hujon, President, C.S.W.O., Shillong
2) Shri Teibor Dkhar, President, Kynhun Peitngor.
- } Complainants

-

Vrs -

The P.I.O., A.D.C. (Revenue), East Khasi Hills, Shillong. - Respondents

The Deemed-P.I.O., A.D.C. (Records), East Khasi Hills, Shillong.

31-1-2013

ORDER

Case records put up today.

The Complainants, Smti Irene P.Hujon and Shri Teibor Dkhar are present. The Deemed-PIO and A.D.C., (Records), Smti R.R.Marak is also present with a written submission. Respondent-PIO and A.D.C., in-charge Revenue East Khasi Hills District is absent. He has submitted a show cause and also a petition praying that he may be exempted from personal appearance as he is busy with Elections process as he is a Returning Officer from Assembly Constituencies No. 14 & 15. Prayer allowed.

The Deemed-PIO and A.D.C., (Records) in her written submission stated that Section 19(1) of the Right to Information Act, 2005 provides for an appeal before the Departmental Appellate Authority against non-furnishing of information by the PIO. Section 19(3) provides for an appeal before the State Information Commission against an order passed by the Departmental Appellate Authority. In the instant case, the appellant has preferred an appeal against the non-furnishing of information before this Hon'ble Commission, by-passing the appellate remedy before the Departmental Appellate Authority under Section 19(1) of the Act. As such the instant appeal is not

maintainable and the appellant is liable to be referred to the Departmental Appellate Authority for filing appropriate first appeal before the Departmental Appellate Authority.

Discussions :Section 18(1) of the Act defines the powers and function of the Information Commission and provides : *“Subject to the provisions of this Act, it shall be the duty of the Central Information Commission or State Information Commission as the case may be to receive and inquire into a complaint from any person(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.*

Section 19 provides for Appeal to the Appellate Authority. *Section 19(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 a 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.....*

Section 19(3) .A second appeal against the decision under the 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”.

A reading of these two Sections would indicate that a citizen has two options under this Act, when information is not received from the PIO:-

(1) He/she can file a complaint before the State Information Commission under section 18 (1) and the Information Commission has no option but to admit the complaint and enquire into ..

OR

(2) He/she can prefer an appeal to the officer who is senior in rank to the PIO under section 19(1) and thereafter, in case he is not satisfied, prefer a second appeal to the concerned Information Commission under section 19(3) of the Act. A Citizen has a choice to avoid an internal mechanism provided under section 19(1) due to

various reasons by filing a complaint and therefore the Information Commission is not bound to direct the complainant to prefer an internal appeal at the first instance before approaching the Information Commission after failing there.

This has also been clarified in the Judgment of the Supreme court in Civil Appeal Nos 10787-10788 of 2011(Arising out of S.L.P© No 32768-32769/2010) Chief Information Commissioner and another... Appellant(s) Versus State of Manipur and Another..Respondent(s) Justices Asok Kumar Ganguly and Gyan Sudha Mishra, where it has laid down that the power under Section 18 is supervisory in character whereas section 19 is procedural.

In this present case at hand, the complainant has chosen to file the complaint before the State Information Commission (not an appeal) and therefore the Commission sees no reason as to why the complaint should not be enquired into as provided under section 18.

On the basis of the above, and as prayed by the Deemed-PIO and A.D.C. (Records), she may file a detail show cause in connection with the complaint specially clarifying issues that has been raised by the Respondent-PIO in his show cause (copy of which has been handed to the Deemed-PIO).

Fix **25-3-2013 at 11:30 AM** for show cause and hearing of the case.

(C.D.Kynjing)
C.I.C.

MEGHALAYA INFORMATION COMMISSION, SHILLONG

...

No.MIC/Complaint/46/2012/41

- 1) Smti Irene P. Hujon, President, C.S.W.O., Shillong
2) Shri Teibor Dkhar, President, Kynhun Peitngor. } Complainants

-

Vrs -

The P.I.O., A.D.C. (Revenue), East Khasi Hills, Shillong. - Respondents

The Deemed-P.I.O., A.D.C. (Records), East Khasi Hills, Shillong.

25-4-2013

ORDER

Case records put up today.

The Complainants, Shri Irene P.Hujon and Shri Teibor Dkhar are is present. The Respondent-PIO and A.D.C., in-charge Revenue East Khasi Hills District and the Deemed-PIO and A.D.C., (Records), Smti R.R.Marak is also present.

Smti Irene P.Hujon, one of the complainant in her submission stated that they have received the reply from the Respondent-PIO that the documents as applied for are not available in the office of the PIO and are convinced with the reply and would not like to proceed further with the case. They submitted that they will try to look for information from other sources as to where the records are available.

The Respondent-PIO in his written submission stated that on receipt of the application, dated 23-9-2012, under the RTI Act, 2005 from the complainants, efforts were made to trace the information available in the Revenue Branch and the records

were not traceable. Accordingly, the ADC in-charge (Records) Branch was requested vide letter No.L.14/6 (26)2005/266 dated 12-10-2012 to furnish him before 24-10-2012, being the last date of RTI application. Again the ADC (Records) was reminded vide letter No.L.14/6 (26)2005/275 dated 21-11-2012, where the ADC in-charge reply vide letter No. GC/1/3/85/1 dated 14-12-2012 that the said documents are not available in the record room/office. This information was provided to the applicant. In view thereof, he submitted that that there was neither deliberate delay nor negligence on his part.

The Deemed-PIO in her written submission stated that the letter of the PIO dated 12-10-2012 was put up before her only on 30-10-2012 and thereafter a search was made in the Record Room. Since the matter related to very old records (year 1987 &1988) records could not be traced. She also mentioned that the record room has only old records and records after 1980 have not yet been sent to the Record room. She also submitted that the Record Section of the office of the Deputy Commissioner was virtually non functional and there was no proper records about the files received and kept in the Record Room. Further the record room is situated in another building near the DGPs office and hence took a long time for the Assistant to manually search all the files and the records. After a long search finally on 14-12-2012, the PIO was informed that the records pertaining to the case of Lawsohtun Road could not be found in the Record Room. In between she also had to attend the Election training in connection with the conduct of Election in the State and reply was furnished immediately on her return. In view thereof, there was neither deliberate delay nor intention to deny the information to the applicants and therefore prayed that she may exonerated of the charges.

On the basis of the records and the submission made before the Commission, the Commission observes as follows:

1. It is regretted to note that sending a dak from one Branch of the office to another in the same building takes almost two weeks. All the officers are expected to know the provisions of the RTI Act, whose nature is time bound, and therefore seeking of information from another branch officer should be promptly dealt with and to ensure that the letter reach the officer whom it is addressed immediately. The delay that happened in this case may not be intentional but obviously it has resulted in this complaint where it has taken the time of all the people involved,

the complainants, the officers and the Commission. All this could have been easily avoided if prompt action has been taken as provided in the Act.

2. From the submissions made before it, it appears to the Commission that the Record Room of the D.C's office East Khasi Hills is not properly kept. It, therefore, would like to observe that being a main office in the Capital, there is need to ensure that all records especially of a permanent character such as land documents, registration etc has to be kept properly.

Section 4 (1) (a) of the RTI Act, 2005 provides that it is the duty of the Public Authority to:

(a) maintain all its records duly catalogued and indexed in a manner and the form which facilitates the right to information under this Act and ensure that all records that are appropriate to be computerized are, within a reasonable time and subject to availability of resources, computerized and connected through a network all over the country on different systems so that access to such records is facilitated....

Under the circumstances stated above, the Commission hereby issues a direction that in accordance with the provision of Section 4(1) (a) quoted above, the D.C. & Collector, East Khasi Hills District, Shillong, shall ensure that the Record Room is properly kept as provided in the Section so that this kind of delay is avoided in future.

Send a copy of this order to the D.C. & Collector, East Khasi Hills District, Shillong for information and necessary action.

With these directions, the Case is disposed off.

(C.D.Kynjing)
C.I.C.

MEGHALAYA INFORMATION COMMISSION, SHILLONG

...

No.MIC/Appeal/7/2013/34

Shri M.H.Dkhar, Wapungkur Village, East Jaintia Hills - Appellant

- Vrs -

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

2. FAA & Secretary, J.H.A.D.C., Jowai

}

Respondents

26-8-2013

ORDER

Case records put up today.

The Respondent-PIO, Shri B.Sana is present.

The Complainant, Shri M.H.Dkhar is present along with a request that Shri Commanderful Sana may be allowed to assist him during the hearing. Since there is no objection, the prayer is allowed.

The case in brief is that, Shri M.H.Dkhar had applied for information under RTI Act, 2005 to the PIO & Finance & Accounts Officer, Jaintia Hills Autonomous District Council, Jowai on the 9th May, 2013, which was received by the said PIO. According to the Appellant, the information was not provided to him and hence on 19th June, 2013 he preferred the 1st Appeal before the First Appellate Authority (FAA) of the JHADC, Jowai regarding the denial of information to him. The FAA duly heard the Appeal and disposed it on the 4th July, 2013. During the hearing the Appellant alleged that information has been denied to him. In fact the information which are ready should have been sent to him by registered AD. On the other hand the Respondent PIO has raised two issues and dealt with by the FAA viz.,

- (i) That the application dated 9-5-2013 of Shri M.H.Dkhar is not specific, cumbrous and unintelligible and even then the Respondent-PIO has tried to provide the information.
- (ii) The Appellant has personally come to the office of the PIO on 6th June, 2013 to collect the information, where it was handed over by the UDA of the office, but unfortunately the Appellant refused to accept the reply. Under the circumstances, the allegation of denial of information is baseless. Since the Appellant himself had come to the office of the Respondent –PIO and admitted that the information are not relevant. The fact that the letter of information was not sent through Registered AD was not tenable since the Appellant himself had come to the office of the PIO and refused to collect the information and therefore the Respondent-PIO has not committed any wrong at all. He could have taken the reply and seek for further clarification on the relevancy of the reply or not.

The FAA accepted the contention of the PIO and rejected the Appeal with a direction that the appellant should collect the information from the office of the PIO within seven days.

During the hearing today, the Appellant did not deny the fact that he had gone to the office of the Respondent-PIO. It is a fact that the letter containing the reply was shown to him and since it did not meet the queries, he did not accept the reply. Even then, the reply should have been sent to him by post which was not done and hence there is no compliance with the provisions of the RTI Act, 2005 that the information should be supplied within 30 days from the date of receipt of the application.

The Respondent-PIO in his submission today has stated that he has nothing more to add besides what was given in the written reply. In his written reply to the show cause, he stated that the information was ready on the 6th June, 2013 and the Appellant himself came to the office personally to collect the information, which was made ready for delivery vides office No. JHADC/FIN/Acct/RTI/19/09-10/94 dated 4th June, 2013 and the letter was handed over to him but after reading the letter he refused to accept it. In view thereof, the Appellant has forfeited the right of information as provided under the RTI Act, 2005. This fact was also brought before the FAA and was recorded accordingly in his order dated 4th July, 2013. He also submitted that it is very unfortunate on the part of the Appellant , in spite of the

position as indicated above, that some and misleading news item have been published in the Newspaper in his capacity as President of All Jaintia Youth Organization.

The information as ordered by the FAA has been sent by the Registered AD since the Appellant did not come to collect the information as ordered by the FAA. In his information supplied to the applicant, he has clearly stated that according to the Sixth Schedule of the Constitution of India, the District Fund has to be constituted for each Council where shall be credited all moneys received respectively by the District Council for that District and the Governor may make rules of the Management of the District Fund in respect of payment of money to the Fund and withdrawal of money thereof, the custody of the money and other matters indicated and ancillary of the matters aforesaid. Further, all information sought by him are provided in the Budget and this document are all public documents.

Regarding allegation about his failure to transfer the information as provided under section 6(3) of the RTI Act, 2005 , he stated that the information sought by him is vague and unintelligible and since it relate to many Public Authorities within the District Council, he is not in a position to decide as to which Public Authority is dealing with the portion of the application to be forwarded. However, he requested the Appellant to clearly specify the particular information required by him so that the action can be taken by the concerned PIO of the District Council.

The Respondent-PIO in his reply dated 4th June 2013 No. JHADC/FIN/Acct/RTI/19/09-10/94 has given detailed reply regarding the management of the fund of the District Council as the manner of keeping the account and management of the account by the District Council is through the District Fund as provided under the Sixth Schedule of the Constitution.

In view of what is stated above, the Respondent-PIO stated that he has not committed any wrong as provided under the RTI Act, 2005 and has done his best to provide the information as required. Therefore, he may be exonerated from all the charges and the Appeal may be rejected.

After perusal of the application made by the Appellant and the reply as provided by the Respondent-PIO and also the submission as stated above following issues have arisen which are discussed in the following paragraphs:-

- (1) Whether the application filed by the Appellant before the Respondent-PIO is in order and whether the Respondent-PIO has acted according to the provision of the RTI Act, 2005?
- (2) Whether it is the duty of the applicant to collect the reply personally from the office of the Respondent-PIO?
- (3) Whether the Respondent-PIO has taken a right decision in not transferring the application to other PIOs of the JHADC?
- (4) Whether the information as sought for by the Appellant has been denied to him?

A perusal of the application dated 9th May, 2013 by the Appellant seeking a number of information starting with the names of the different funds available with the JHADC, the name of the Bank where the funds are to be deposited, the type of Bank Account opened, the full name and designation and number of persons who are operating the Bank Account, the sources of income collected for each of the fund, the Head of Account of the said fund and also the officer or the MDC if any who maintain and keeps or control each of the above funds.

In addition, he asked for different schemes available with the JHADC as allotted from each of the above fund, the name of the beneficiaries and also the location of the work in which the amount has been spent for each scheme. He also asked for details of the date, year and month sanction, issue of work order, the date work completion, starting and completing, the month, year of release and also different queries and also requested for the certified of the design and all the information relating to the above. It would thus imply that the Appellant has sought information on a number of subjects ranging from the funds to the utilization of the funds, the manners of the sanction of the schemes, the beneficiaries and also copies of design and sanction. If one has to compile these information, it will take many man-hours and it is also not in accordance with the provisions of the RTI Act, 2005. The Act has not provided additional resources to the Public Authority to compile such type of bulky information, which is likely to effect the resources of the Public Authority under section 7(1) of the Act. The Respondent-PIO has to deal with the application expeditiously and therefore the request should relate only to a single matter. This was also decided by the Central Information Commission in the case of **Shri Rajendra Singh vs Central Bureau of Investigation (CBI) Complaint No. CIC/WB/C/2007/00967 dated 17-12-2007**. In this case, the applicant has sought answers to 69 questions pertaining to various subjects. While deciding the case the

CIC has decided that, ***“It is therefore not open to the applicant under the RTI Act to bundle a series of requests into one application unless these requests are treated separately and paid for accordingly. In our experience in disposing of appeals that in fact many such have been treated as one application even though they contain multiplicity of requests. However, we concede that a request may be comprised of a question with several clarificatory or supporting questions stemming from the information sought. Such an application will indeed be treated as single request and charged for accordingly”.***

However, it is also to be noted that the RTI is not about seeking answer and asking question. Right to Information as defined in Section 2(j) of the RTI Act, 2005 reads as under :-

“right to information” means the right to information accessible under this Act which is held by or under the control of any public authority and includes the right to-

(i) inspection of work, documents, records;

(ii) taking notes, extracts or certified copies of documents or records;

(iii) taking certified samples of material;

(iv) obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device;

From the above, it is clear that the RTI is more about inspection of work, documents, records, taking notes, extracts or certified copies of documents or records; taking certified samples of material, obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device. In this case, The PIO has to seek information from many sources as the application of the Appellant is not specific and contain a number of issues which will take many man-hours to compile. Thus he has taken the proper course and furnished the information to the applicant about the position regarding the management of the fund and other related issues, while clarifying as to where he could obtain the other information.

From the submission made by the Respondent-PIO and also by the Appellant himself both before the FAA and in the hearing today, it would appear that it is a fact that the Appellant had gone to the office of the Respondent-PIO on the 6th June, 2013 voluntarily. Normally, in accordance with the provision of the Meghalaya Right to Information (Appeal & Procedures of the State Information Commission) Rules, 2007, the Respondent-PIO should have sent a reply to the Appellant by post/messenger furnishing the information. Copy and records of the dispatch of the letter etc be kept properly so that there are evidences about the date, etc of the dispatch, in case any question arise later, However, in case where there are copies to be made, the Respondent-PIO should have informed the applicant about the amount to be deposited which according to the rule an amount of rupees two for each page (In A-4 or A-3 size paper) created or copied. Copies of the Information are to be furnished only after depositing of the amount. This procedure was not followed in this particular case. However, since the Appellant himself had gone to the office and he was offered to take delivery of the reply and refused to accept the same the benefit of the doubt is to be given to the Respondent-PIO in this regard. This however, cannot be accepted in future and proper official procedure as followed normally and prescribed under the rule should be strictly followed to avoid such kind of misunderstanding.

A perusal of the application by the Appellant as stated above, is not specific and contained many issues. As mentioned in the preceding paragraphs, the application should have been specific relating to a single subject matter and it would be easier for the PIO to decide and to deal with the subject. In this particular case, it seems that there are so many subjects in the application which is difficult for anyone to decide to whom the application is to be transferred. Be that as it may, it is pertinent to note that sub section 3 of Section 6 refer ***“another public authority; or “another public authority” not*** every Public Authority and the use of singular form in the Act is to be noted. In this regard the use of singular form is important to be taken into consideration. The information requested obviously related to different departments/public authorities. Under the circumstances the allegation that his application was not transferred to other PIOs is not tenable.

The Appellant did not deny the fact that he had gone to the Office on the 6th June 2013, though the purpose cannot be established. He might have gone there for some other works. However, the fact that the reply had been offered to him is not denied. In

the kind of informal atmosphere of working in our State, this practice cannot be totally ignored. It is however expected that while dealing with an act like the RTI Act 2005 formal office procedure as normally prescribed should always be followed to avoid unnecessary litigation such as this. In view thereof, the benefit of doubt is given to the PIO and therefore the information cannot be said to have been denied.

On the basis of the above discussions, the Commission found that there is no merit in the Appeal and hence it is rejected.

Case disposed off.

(C.D.Kynjing)
C.I.C.

MEGHALAYA INFORMATION COMMISSION, SHILLONG

...

No.MIC/Appeal/8/2013/42

Shri S.K.Sharma, Guwahati

-

Appellant

- Vrs -

- | | | |
|---|---|-------------|
| 1. PIO O/o the Commissioner of Taxes, Meghalaya, Shillong | } | Respondents |
| 2. FAA & Commissioner of Taxes, Meghalaya, Shillong | | |

28-10-2013

ORDER

Case records put up today.

The Appellant is absent. Shri B.Khongsit, Respondent Public Information Officer & Deputy Commissioner of Taxes, Meghalaya, Shillong is present. An authorized person, Shri H.S.Kumbhat on behalf of M/S R.N.B. Mineral and Chemical, Umiam, Industrial Estate, Ri Bhoi District, is present.

Briefly the facts of the case is that, Shri S.K.Sharma on 18-10-2012 has applied for information under RTI Act, 2005 as follows:

Kindly furnish the following information about the following Companies:

1. M/S Synergy Composites Pvt, Ltd. Soso Tham, Dhankheti Bawri Mansion, Shillong.
2. M/S R.N.B. Mineral and Chemical, Umiam, Industrial Estate, Ri Bhoi District.
3. Kindly furnish the Sale Tax Registration (VAT) and CST registration numbers of the above Companies along with date of registration.
4. Kindly furnish the information about how many "C" forms are used for importing of plant and machineries by the above Industrial Companies and their amount and name of two Companies from which the machineries were purchased.

5. The above Companies exported their products outside Meghalaya. Kindly inform how much “C” forms they deposited to the department of Sale Tax Meghalaya, with the amount.
6. Kindly furnish the copies certified copies of all the “C” form received by your department from 2001 to 2008.

The Respondent-PIO has furnished the reply to him vide No.CTA-26/2009/Pt-II/2095 dated 14-12-2012 stating that the information relates to M/S R.N.B. Mineral and Chemical, Umiam, Industrial Estate, Ri Bhoi District. Not satisfied with the reply, Shri S.K.Sharma on 14-1-2013 filed an Appeal to the First Appellate Authority (FAA) & Commissioner of Taxes, Meghalaya stating that under section 8 of the RTI Act, 2005 the information requested for is not an exempted document as claimed by the Respondent PIO. However, he did not indicate any justification as to why the claim by the Respondent PIO is wrong. Subsequently, he complained to the Commission, stating that though the hearing of the case by the FAA was held on February, 2013, yet neither the information regarding the decision about the result of the hearing nor the required information furnished to him. The Commission therefore directed the FAA to dispose of the pending appeal within 30 days w.e.f. 17-5-2013 the date of the order. Accordingly, vide No. CTA.30/2012/404 dated 28-5-2013; the Appeal was disposed off stating that **“the information sought for by the Appellant relates to matter concerning trade and commerce of a Third Party. Sub-section (1)(d) of Section 8 states that such information unless it is established that it is to the public interest, is exempted from disclosure of information.**

The Appellant has not established that the information sought for will serve public interest, and as such I agree with the PIO that the information cannot be furnished”.

Not satisfied with the decision of the FAA, Shri S.K.Sharma filed this 2nd Appeal before the Commission. His contention was that the information sought for under the RTI Act was the certified copy of ‘C’ Form, which has been submitted to the Sale Taxes Department, Govt. of Meghalaya by M/S R.N.B. Mineral and Chemical, Umiam, Industrial Estate, Ri Bhoi District, is the basis for awarding various subsidies such as transport subsidies, capital subsidies by the Government to the concerned party from public exchequer. He stated that the subsidies given to the Industrial Firms are the public money and it is one of the obligations of public authority to publish the manner of execution of subsidy programme including the amount allocated and

details of beneficiaries of such programme under section 4(d) (xii) of the RTT Act, 2005. He contended that the information sought for is for the public interest and request that direction be given to the Respondent-PIO office of the Commissioner of Taxes, Meghalaya, Shillong to furnish certified copies of the 'C Form' as deposited by M/S R.N.B. Mineral and Chemical, Umiam, Industrial Estate, Ri Bhoi District.

After going through the documents and the records available with the Commission, it appears that the case relates to the information furnished by M/S R.N.B. Mineral and Chemical, Umiam, Industrial Estate, Ri Bhoi District to the Sale Taxes Department, Meghalaya regarding the sale and purchase of goods from outside the State to such Companies. In this case it is to be treated as a 3rd party. Section 11 of the Act clearly provides how to deal with the case for any information or record relating to or has been supplied by 3rd party and has been treated as confidential by the 3rd party. Unfortunately, it appears that no such notice has been issued to the 3rd party to represent its case as whether it has any objection to furnish information that documents which has been submitted by the 3rd party to the Superintendent of Taxes. Under this circumstance, the Commission feels that in the interest of justice and fair play, an opportunity should be given to the 3rd party to present its case before the Commission as to why the information should not be provided as applied for.

The 3rd party in its written submission before the Commission has stated that they were totally in the dark as to which information has been asked as neither the Respondent-PIO nor the Appellate Authority has given an opportunity of submitting objections against providing any information submitted by them to the Sale Taxes Department. Their main contention is that the grounds given in the 2nd Appeal of the existence of 'larger Public Interest' are vague. Though the Appellant has stated in his 2nd Appeal that the 'C' Form is the basis for granting various subsidies such as transport and capital investment subsidies by the Government, yet there is no document to support his claim to show that the 'C' Form under reference is connected with the grant of subsidies. Further, those subsidies are not granted by the office of the Commissioner of Taxes and on the basis of taxes paid. The 'C Form' declaration contains details of names and other particulars of the buyers/sellers from outside the State of Meghalaya. Disclosing the name of the buyers/sellers and the rates at which the transaction has taken place would affect the competitive advantage and trade secret. It was therefore contended that their case is covered under section 8 (d) of the RTI Act, 2005, as any disclosure of information would reveal their trade secret and

commercial confidence and would harm their competitive position vis a vis others and since the larger public interest could not be established, the information should be denied. Further, they have also quoted a number of precedent cases from various Courts and decisions of Central Information Commission and emphasizing the point that unless 'the larger public interest' is well established, the information should not be provided.

The Respondent PIO in his reply to the show cause has submitted that whatever information as admissible under the provisions of the Central Sales Tax Act, 1956(Act 74 of 1956) read with the provisions of the Meghalaya Value Added Tax Act 2003 (as amended) have been provided to the Appellant. Further according to him the 'C' form is nothing but a declaration given by the registered dealer for the purpose of administration of Tax in the course of Interstate Trade and Commerce and it is not a Concession given to any one as every registered dealer who provides the declaration will have to pay the same amount of Tax. The Information, normally, is therefore treated as Confidential. He also submitted that as far as the award of Transport Subsidy/Capital Investment subsidy are concerned, the competent authority to deal with these issues is the Commerce and Industries Department, Government of Meghalaya and not the Taxation Department, Government of Meghalaya as contended in the 2nd appeal petition filed by the Appellant.

The rates of Tax in the sale of goods in the course of inter-state trade and Commerce are governed by the Central Sale Tax Act 1956. Section 8 prescribes the rates of tax on sales in the course of inter- State trade or commerce. A 'C' form is nothing but a declaration under rule 12 &13 of the Central Sales Tax Registration and Turnover Rules 1957 and contains information regarding the name of the Seller/Purchaser and the amount, and type of the goods in the transaction. It is only after the submission of this declaration that a lower rate of Tax shall be charged instead of the normal rate prevailing in that State.

After going through the oral and written submissions made by the parties, it would appear to the Commission that the Appellant has never raised the issue of public interest during the 1st Appeal as this was evident from his Appeal petition and the orders of the FAA. The issue of 'public interest' was raised only during the 2nd Appeal after it was rejected by the FAA. There appears to be some ground that disclosing the 'C' form would reveal the name of the Seller/Purchaser of the goods and the amount involved. Further, there was nothing on record to establish the

relationship between 'C' Form and the transport subsidy and capital subsidy as pointed out by the Appellant. There is also no document available to indicate that M/S R.N.B. Mineral and Chemical, Umiam, Industrial Estate; Ri Bhoi District is a beneficiary under the subsidy programme as claimed by the Appellant.

Having gone through the records and documents available before it, the Commission is of the opinion that the Appellant could not establish any relationship between the 'C' Form and the transport / capital subsidy that the M/S R.N.B. Mineral and Chemical, Umiam, Industrial Estate, Ri Bhoi District might have availed, as it would appear that the Transport Subsidy is administered by another Public Authority. Disclosing of the information furnished by the Company to the Tax Department would only be relevant in the "larger public interest" and since "the larger public interest" could not be established the decision of the FAA is upheld.

The Commission also noted the fact that while in the Central Capital Investment Subsidy scheme notified vide F.no 6(1) 98-DBA-ii dated 1st June 1993 the payment is to be made by NEDFI on the recommendation of the State Government, in the Transport Subsidy Scheme as notified by the Government of India vide F6(26)/71- IC dated 23rd July 1972 it clearly prescribed that the administration of the scheme rests with the Directorate of Industries of the State Governments/ Union Territories for scrutinizing the claims and making necessary payments. Hence it is the responsibility of the Directorate to provide a suo moto declaration as required under Section 4(1) (xii) of RTI Act 2005 as to the manner of execution of Transport subsidy programme, including the detail amounts allocated and the details of the beneficiaries of such programmes. In view thereof, under the power conferred on the Commission under Section 19(8)(a) of the Act, it is hereby ordered that the above information along with other declarations as required under Section 4 of the RTI Act 2005, should be declared and kept in the Public domain , if not done already, and should be updated from time to time.

Send a copy of this order to the Directorate of Commerce and Industries for compliance. A copy of the Compliance Report should be furnished to the Commission by **15th January, 2014**.

Before parting with the case, the Commission also would like to observe that the case has not been dealt with properly as provided under section 11 of the Act as the Respondent-PIO did not given an opportunity to the 3rd party to represent the case since the information in this case mainly relates to the declaration submitted by the 3rd

party to his office and in future should ensure that such cases should be dealt with properly as provided under the Act.

The Appeal is dismissed.

Case is disposed off.

(C.D.Kynjing)

C.I.C.

MEGHALAYA INFORMATION COMMISSION, SHILLONG

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No.MIC/Appeal/11/2013/12

Shri Alaric Lyngdoh, Laitkor Rngi, Shillong - Appellant

- Vrs -

1. PIO & Dy., Chief Engineer, PWD (Roads), Meghalaya, Shillong }
2. FAA & Chief Engineer, PWD (Roads), Meghalaya, Shillong } Respondents

11-11-2013

ORDER

Case records put up today.

The Appellant Shri Alaric Lyngdoh is present. The Respondent-PIO & Dy., Chief Engineer, PWD (Roads), Meghalaya, Shillong and also the First Appellate Authority (FAA), & Chief Engineer, PWD (Roads), Meghalaya, Shillong are also present.

Briefly, the facts of the case are that, the Appellant filed an RTI application for information regarding the Laitkor Rngi Village Internal Road before the PIO & Dy., Chief Engineer, PWD (Roads), Meghalaya, Shillong on 3rd June, 2013 on the following items:-

1. Work order Number of the road.
2. Name of the contractor.
3. Sanction Date.
4. Sanction Amount.
5. Current Status of the work.

Since he did not receive the reply from the Respondent PIO, he preferred the 2nd Appeal before the F.A.A., & Chief Engineer, PWD (Roads), Meghalaya, Shillong on 18th July, 2013. On 24th July, 2013, the F.A.A., & Chief Engineer, PWD (Roads), Meghalaya, Shillong, while disposing of the Appeal stated that the information on all five items as “Nil”. Not satisfied with the reply the Appellant filed this instant Appeal.

The Appellant in his submission stated that after the submission of his application on the 3rd June, 2013, he was summoned before the Dorbar Shnong Laitkor Rngi and was threatened that he and his family would be ostracized for seeking information. He alleged that this has happened because the PIO had informed the Dorbar. He also claimed that it is surprising as to why he could not get the information when the work was taken up in the past 4 or 5 years, where the retaining wall to his house and some earthwork has already been taken up for the road . However since the work was stopped for unknown reasons, he pursued with the case for getting the information. Since he did not get the information an Appeal was filed before the F.A.A., & Chief Engineer, PWD (Roads), Meghalaya, Shillong. He was surprised when he received the reply from the F.A.A. who, while disposing of the Appeal, stated that the information on all the five items as “Nil”. He also furnished a copy of the photo of the foundation stone laid on the 25-7-2005, where it was clearly indicated the name of the road, the length of the road and the scheme in the PWD Budget 2004-2005. Hence he submitted that the “Nil” reply as furnished is completely wrong and this was a clear attempt to deny his right as citizen to obtain information, whatever available, regarding the project. Therefore, he prayed that the Commission may take necessary action against the PIO for failure of the Public Authority to comply with his request as per provision of the RTI Act, 2005.

The Respondent-PIO & Dy., Chief Engineer, PWD (Roads), Meghalaya, Shillong in his oral submission stated that on receipt of the application from the Appellant, he took up with the Executive Engineer, PWD (Roads) Division N.H. requesting him to confirm whether the information is available with him or not. However, it took sometime to obtain the information and in the meantime the Appellant has filed the Appeal before the F.A.A., on 18-7-2013. The FAA in his order stated that the information has been obtained from the concerned Executive Engineer-cum-PIO and the information required as extracted from him for all the five items as “Nil” and also

stated that regarding the allegation of the Appellant that he was pressurized to withdraw the application is beyond the scope of the F.A.A.

During his oral submission, the F.A.A., & Chief Engineer, PWD (Roads), Meghalaya, Shillong submitted that the application of the Appellant is not specific as there is another scheme for **Laitkor Rngi Internal Road** where the project cost is more than one crore which have been submitted for sanction under RIDF. Since the sanction has not been received a “Nil” reply was sent to the Appellant. There was no intention on the part of the Public Authority to deny the information to the Appellant and also quote section 6(1) of the RTI Act, 2005, where it provides that the application should have been specific and since the information sought is not specific the Public Authority cannot be held liable for not supplying the information. On further query by the Commission as to whether any work has been taken for the Laitkor Rngi Internal Road in the past or not, it was confirmed that it is a fact that some construction work has already been taken in the past and this information is available with the Department and could be furnished to him. On further query as to why the information was not furnished when it is available with the Public Authority, the Public Authority could not provide a satisfactory reply.

Discussion:

The stand taken by the Respondent-PIO in this case was that the information sought was not specific. The issue is ‘whether any sanction was issued, any contractor engaged and any work has been under taken in the construction of the Road in the past, however small the amount, from the PWD Budget/Scheme, irrespective of the fact whether the work is completed or not’. From the clarifications obtained during the submission of the respondent PIO, there does not appear to be any ambiguity about the name of the road and the work undertaken in the past. Therefore, whatever information available could have been furnished to the applicant in time. The fact that a bigger scheme has been proposed does not negate the fact that some work has already been taken in the project earlier and that cannot be an excuse for providing the information as “Nil”. Further the intention of the Public Authority as far as this RTI Application is concerned could have been understood if at least the fact about a new proposal could have at least been intimated to the applicant. It is also very surprising that the information was furnished at the level of F.A.A. where in fact his responsibility as envisaged under section 19 of the RTI Act was to apply his mind to

the 1st Appeal and decide accordingly whether the Appeal is to be accepted or not and to issue orders accordingly. There is no record to show that the Respondent-PIO has furnished any kind of reply as envisaged under section 7(1) of the Act within 30 days from the date of receipt of the application. The duty expected of the PIO is to render all reasonable assistance to the person making a request orally or to reduce the same in writing, if need be. If there was any confusion regarding the kind of information that has been called for and that could have been supplied, it could have been easily resolved by a personal meeting or by contacting the Appellant who has provided his Phone No. and also email account for clarification. Having failed to take this small step for the benefit of the Appellant, the claim that the information sought is not specific is not acceptable.

After having heard both sides and under the circumstances, stated above, the Commission is of the opinion that there is no reasonable cause which prevent the Respondent-PIO to provide the information and thus has failed to comply with the provisions of the RTI Act, 2005, and orders as follows:-

1. The Commission has decided to imposed a penalty on the Respondent PIO for his failure to comply with the provisions of the Act and By the powers conferred on the Commission under section 20 of the RTI Act 2005 a Penalty of ` 19,000/- (Rupees nineteen thousand), 76 days w.e.f. 3-7-2013 being the date the information becomes due, to 8-10-2013 the date of filing of second Appeal before the Commission, excluding the pendency period of the first Appeal. He is required to deposit the above amount by Treasury Challan to the State Bank of India at Shillong 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.
2. Information as sought for by the Appellant should be furnished to him within 15 days from the date of this order with a copy to the Commission.

Fix **11th December, 2013** for the show cause and for compliance of (2) above.

The Commission would also like to observe when it was brought to its notice that though it may be a fact that the Appellant was summoned by the Dorbar Shnong Laitkor Rngi and was pressurized to withdraw the RTI Application there is no evidence to show that this was done at the instance of the Respondent-PIO as alleged. There is no provision in the RTI Act, 2005 by which the Commission can enquire or take any action against the persons alleged to have threatened/pressurized the Appellant to withdraw the application. However, the matter may be brought to the notice of the Superintendent of Police, East Khasi Hills District, Shillong for information and necessary action to ensure that the Appellant is not harmed in any way under the provisions of existing laws.

Send a copy of this order to the Superintendent of Police, East Khasi Hills District, Shillong for information and necessary action.

(C.D.Kynjing)
C.I.C.

Chapter – 7

Implementation of the Right to Information Act, 2005 in Meghalaya during 2013

7.1 The Right to Information Act, 2005, requires all the Government Departments to collect the relevant information from all the public authorities under their control and to furnish the same to the State Information Commission for preparation of the Annual Report for the year. The data contained in the Tables are compiled from the reports provided by the public authorities of the Government Departments. The data indicated in the Tables may not reflect the complete picture, due to the fact that some Departments did not submit the relevant information called for by the Commission. The list of defaulters is given in Table 7.6.1.

According to Section 25 (2) of the R.T.I. Act 2005, each Ministry or Department shall in relation to the public authorities within their Jurisdiction collect and provide such information to the Central Information or State Information Commission as the case may be, as is required to prepare the report under the section and comply with the requirements concerning the furnishing of that information and keeping of records for the purpose of this Section.

The Commission observes that inspite of the above legal provisions there were many Government Departments who are still hesitant to comply with the direction of the Commission.

7.2 Disposal of Information requests by the Public Information Officers

Section 25 (3) (a)

During the year 2013 a total number of 1607 requests were received by the Public Information Officers of those public authorities who have so far furnished their reports. The number of requests carried over from the previous year were 18, hence the total number of requests available with the PIOs for disposal were 1625 out of these, 1546 requests were disposed of by the PIOs during the year which is about 95%. The remaining requests were carried over to the next year for disposal. The total number of requests rejected and deemed to have refused by the PIOs were 30 which is approximately less than 2% from the total number of requests received by the PIOs.

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

Reporting Year: 2013

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	<u>Agriculture</u>							
	Sectt.Deptt.							
	Dte.of Agri.	Nil	8	8	7	Nil	1	Nil
	Dte.of Hort	Nil	1	1	1	Nil	Nil	Nil
	C.E. Irrigation Meghalaya State Agricultural Marketing Board, Shillong							
2	<u>Arts & Culture</u>							
	Sectt.Dept. Dte.of Arts & Culture							
3	<u>A.H.&Vety.</u>							
	Sectt.Dept. Dte.of A.H.&Vety	Nil	20	20	20	Nil	Nil	Nil
4	<u>Border Areas Dev.</u>							
	Sectt.Deptt. Dte.of BAD							
5	<u>C.M.Secretariat</u>							
	Sectt.Dept.	Nil	34	34	34	Nil	Nil	Nil
6	<u>Cabinet Affairs</u>							
	Sectt.Deptt.	Nil	6	6	6	Nil	Nil	Nil
7	<u>Communication</u>							
	Sectt.Dept							
8	<u>C&RD</u>							
	Sectt.Dept.	Nil	14	14	14	Nil	Nil	Nil
	Dte.of C&RD	Nil	2	2	2	Nil	Nil	Nil
	Project Director, East Khasi Hills, Shillong	Nil	49	49	49	Nil	Nil	Nil
	Project Director, West Khasi Hills, Nongstoin	Nil	10	10	10	Nil	Nil	Nil
	Project Director, Ribhoi District, Nongpoh	Nil	10	10	10	Nil	Nil	Nil
Project Director, West Jaintia Hills, Jowai	Nil	19	19	19	19	Nil	Nil	

	Project Director, East Garo Hills, Williamnagar	Nil	4	4	4	Nil	Nil	Nil
	Project Director, South Garo Hills, Bagmara	Nil	1	1	1	Nil	Nil	Nil
	Project Director, West Garo Hills, Tura	Nil	11	11	11	Nil	Nil	Nil
9	<u>Cooperation</u>							
	Sectt.Deptt.	Nil	1	1	1	Nil	Nil	Nil
	Registrar of Cooperative Societies	1	6	7	7	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 Ltd.	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	The Meghalaya Coop. Apex Bank Ltd.	Nil	3	3	3	Nil	Nil	Nil
	Cooperative Federation Ltd.							
10	<u>District Council Affairs</u>							
	Sectt.Deptt.	Nil	5	5	5	Nil	Nil	Nil
	KHADC							
	JHADC	Nil	52	52	51	1	Nil	Nil
	GHADC							
11	<u>Education</u>							
	Sectt.Deptt.							
	DHTE							
	DERT	Nil	1	1	1	Nil	Nil	Nil
	DEME							
	MBOSE	Nil	10	10	10	1	Nil	10%
	DSEL	Nil	15	15	12	3	Nil	Nil
12	<u>Elections</u>							
	Sectt.Deptt.	1	11	12	12	Nil	Nil	Nil
	DCs	Nil	45	45	43	Nil	Nil	Nil
13	<u>E.R.T.S.</u>							
	Sectt.Deptt.							
	Com.Tax	Nil	32	32	32	Nil	Nil	Nil
	Com.Excise	Nil	4	4	3	Nil	Nil	Nil

	Inspector General of Registration & Superintendent of Stamps	Nil	29	29	29	Nil	Nil	Nil
	Dte.of Megh. State Lottery	Nil	8	8	8	Nil	Nil	Nil
	Meghalaya Commission of Resource Mobilization	Nil	Nil	Nil	Nil	Nil	Nil	Nil
14	<u>Finance</u>							
	Sectt.Deptt.							
	Dte.of Accounts & Treasuries	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Dte.of Local Accounts	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Dte.of Small Savings							
	Dte.of Institutional Finance							
	Finance (EC-1) Deptt.							
	Finance (Economic Affairs) Deptt.	1	2	3	3	Nil	Nil	Nil
	Finance (PR) Deptt.							
	Finance (Establishment) Deptt.	Nil	2	2	2	Nil	Nil	Nil
	Finance (A.F.)							
	Finance (P.C.)	Nil	1	1	1	Nil	Nil	Nil
	Treasury Officer, West Garo Hills	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Treasury Officer, South West Khasi Hills	Nil	Nil	Nil	Nil	Nil	Nil	Nil
15	<u>Food & Civil Supplies</u>							
	Sectt.Deptt.							
	Dte.of Food & Civil Supplies							
	Meghalaya State Consumer Disputes Redressal Commission							
16	<u>Forest & Env.</u>							
	Sectt.Deptt.	Nil	17	17	17	Nil	Nil	Nil

	O/o PCCF	Nil	25	25	25	Nil	Nil	Nil
	O/o CCF (Social Forestry)	2	17	19	18	Nil	Nil	Nil
	O/o(Research & Training)	Nil	6	6	6	Nil	Nil	Nil
	O/o CCF (Territorial)	Nil	23	23	23	Nil	Nil	Nil
	O/o CF (WL) Meghalaya Shillong	Nil	26	26	26	Nil	Nil	Nil
	O/o CF (WL) Tura							
17	<u>Fisheries</u>							
	Sectt.Deptt.							
	Dte.of Fisheries	Nil	15	15	10	Nil	Nil	Nil
18	<u>G.A.D.</u>							
	Sectt.Deptt.							
	Office Estate Officer							
	Dte. of Sainik Welfare	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Zila Sainik Welfare							
	G.A.D. (B)							
	G.A.D (A)	Nil	6	6	6	Nil	Nil	Nil
19	<u>Home (Police)</u>							
	Sectt.Deptt.	5	131	136	119	7	Nil	Nil
20	<u>Home Guards & Civil Defence</u>							
	Sectt.Deptt.							
	Dte. Of Civil Defence & Home Guards	Nil	4	4	4	Nil	Nil	Nil
21	<u>Home (Jails)</u>							
	Sectt.Deptt.							
	Director General of Prisons	Nil	15	15	15	Nil	Nil	Nil
22	<u>Home (Passport)</u>							
	Sectt.Deptt.							
23	<u>Health & F.W.</u>							
	Sectt.Deptt.							
	DHS (MI)							
	DHS (MCH & FW)	Nil	15	15	15	Nil	Nil	Nil
	DHS (R)	Nil	12	12	12	Nil	Nil	Nil
24	<u>Housing</u>							
	Sectt.Deptt.							
	Dte.of Housing	Nil	7	7	7	Nil	Nil	Nil
	Meghalaya State Housing Board	Nil	Nil	Nil	Nil	Nil	Nil	Nil
25	<u>Industries</u>							
	Sectt.Deptt.							
	Dte.of Commerce Industries	Nil	46	46	46	Nil	Nil	Nil

	MIDC							
	MCCL							
	MKVIB							
	Meghalaya Handloom							
	MHHDC							
	MBCL							
	MEDC Ltd.							
26	<u>Information & Public Relations</u>							
	Sectt.Deptt.	Nil	1	1	1	Nil	Nil	Nil
	Dte.of I.P.R.	Nil	12	12	12	Nil	Nil	Nil
27	<u>Information Technology</u>							
	Sectt.Deptt.							
28	<u>Law (A)</u>							
	Sectt.Deptt.	Nil	6	6	6	Nil	Nil	Nil
	Law (B)							
29	<u>Labour</u>							
	Sectt.Deptt.	Nil	10	10	10	Nil	Nil	Nil
	Dte.of Employment & Craftsmen Training	Nil	11	11	11	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	1	1	1	Nil	Nil	Nil
	Directorate of Meghalaya Civil Task Force	Nil	Nil	Nil	Nil	Nil	Nil	Nil
30	<u>Mining & Geology</u>							
	Sectt.Dept	Nil	9	9	9	Nil	Nil	Nil
	Dte.of Mineral Resources	Nil	10	10	10	Nil	Nil	Nil
31	<u>Planning</u>							
	Sectt.Deptt.	Nil	5	5	5	Nil	Nil	Nil
	Programme Implementation & Evaluation Dept.	Nil	5	5	5	Nil	Nil	Nil
	Dte. of Programme Implementation & Evaluation Dept.	Nil	8	8	8	Nil	Nil	Nil

	Dte.of Economics & Statistics	Nil	5	5	3	Nil	Nil	Nil
	M.E.D.C.	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Bio. Resource Development Council, Shillong	Nil	3	3	3	Nil	Nil	Nil
	State Council of Science & Technology & Environment, Shillong	Nil	3	3	3	Nil	Nil	Nil
	Shillong Science Centre, Shillong	Nil	4	4	4	Nil	Nil	Nil
	Meghalaya State Planning Board	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Meghalaya Rural Development Society, Shillong							
	Meghalaya Resource & Employment Generation Council, Shillong							
	Meghalaya Basin Development Authority	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Meghalaya Institute of Governance	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Meghalaya Institute of Entrepreneurship	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Science & Technology Cell	Nil	Nil	Nil	Nil	Nil	Nil	Nil
32	<u>Personnel</u>							
	Personnel & A.R.(A)	Nil	18	18	18	Nil	Nil	Nil
	Personnel & A.R. (B)	Nil	10	10	10	Nil	Nil	Nil
	DC,EK Hills	Nil	84	84	81	Nil	Nil	Nil
	DC, Ribhoi District	Nil	26	26	26	Nil	Nil	Nil
	DC, West Jaintia Hills District, Jowai	Nil	25	25	19	Nil	Nil	Nil
	DC, West Khasi Hills	Nil	17	17	17	Nil	Nil	Nil
	DC, 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	97	97	83	14	Nil	Nil
	Commissioner of Divisions East, West Khasi Hills, Jaintia Hills, Ribhoi District	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Personnel AR (ARC) Deptt.							
	MATI	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	D.C. South West Khasi Hills District Mawkyrwat	Nil	6	6	6	Nil	Nil	Nil
	D.C. East Jaintia Hills District, Khliehriat	Nil	1	1	1	Nil	Nil	Nil
	D.C. Resubelpara	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	D.C. Ampati	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Commissioner of Division Tura	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	SDO (C) Sohra	Nil	8	8	8	Nil	Nil	Nil
	SDO (C) Mairang	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	SDO (C) Amlarem	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	SDO Dadenggre	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	All India Service Pre-Examination Training Centre	Nil	Nil	Nil	Nil	Nil	Nil	Nil
33	<u>Political</u>							
	Sectt.Deptt.	Nil	7	7	7	Nil	Nil	Nil
34	<u>P.H.E.</u>							
	Sectt.Deptt.							
	Chief Engineer	Nil	42	42	42	Nil	Nil	Nil
	Pollution Control Board							
35	<u>Power</u>							
	Sectt.Deptt.							
	M.E.C. Ltd.							
	MSERC							
	MNREDA							
	Senior Electrical Inspector, Inspectorate of Electricity, Shillong	Nil	4	4	4	Nil	Nil	Nil
36	<u>Printing & Stationery</u>							
	Sectt.Deptt.	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Dte.of Printing & Stationery	Nil	8	8	8	Nil	Nil	Nil

37	<u>P.W.D.</u>							
	Sectt.Deptt.	Nil	5	5	5	Nil	Nil	Nil
	C.E.PWD(R)	Nil	58	58	58	Nil	Nil	Nil
	C.E.PWD (NH)							
	C.E.PWD (B)	Nil	12	12	12	Nil	Nil	Nil
	Megh. Govt. Construction Corporation Ltd.	Nil	1	1	1	Nil	Nil	Nil
	PWD (R)	Nil	3	3	3	Nil	Nil	Nil
38	<u>Parliamentary Affairs</u>							
	Sectt.Deptt.	Nil	Nil	Nil	Nil	Nil	Nil	Nil
39	<u>Meghalaya Bharat Scouts & Guides</u>	Nil	Nil	Nil	Nil	Nil	Nil	Nil
40	<u>Revenue & Disaster Management</u>							
	Sectt.Deptt.	Nil	13	13	13	Nil	Nil	Nil
	Meghalaya Board of Revenue	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Dte.Land Records & Survey	Nil	14	14	14	Nil	Nil	Nil
41	<u>SAD</u>							
	SAD (A)	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	SAD (E)	Nil	4	4	4	Nil	Nil	Nil
	SAD (N)	Nil	1	1	1	Nil	Nil	Nil
	SAD (R)	Nil	Nil	Nil	Nil	Nil	Nil	Nil
42	<u>Sports & Youth Affairs</u>							
	Sectt.Deptt.	Nil	8	8	8	Nil	Nil	Nil
	Dte.of S.Y.A.	Nil	4	4	4	Nil	Nil	Nil
43	<u>Social Welfare</u>							
	Sectt.Deptt.							
	Dte.of Social Welfare	8	20	28	12	Nil	Nil	Nil
	Meghalaya State Social Welfare Board	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	State Commission for Women	Nil	1	1	1	Nil	Nil	Nil
	Commissioner for Person with Disabilities	Nil	30	30	30	Nil	Nil	Nil
44	<u>Soil & Water Conservation</u>							
	Sectt.Deptt.	Nil	4	4	4	Nil	Nil	Nil
	Dte.of Soil & Water	Nil	38	38	38	Nil	Nil	Nil

45	<u>Sericulture & Weaving</u>							
	Sectt.Deptt.	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Dte.of Sericulture	Nil	19	19	19	Nil	Nil	Nil
46	<u>Transport</u>							
	Sectt.Deptt.							
	Comnr.of Transport							
	M.T.C.	Nil	6	6	6	Nil	Nil	Nil
	D.T.O.s							
Secretary, State Transport Authority								
47	<u>Tourism</u>							
	Sectt.Deptt.	Nil	4	4	4	Nil	Nil	Nil
	Dte.of Tourism	Nil	11	11	11	Nil	Nil	Nil
	MTDC Ltd.	Nil	8	8	8	Nil	Nil	Nil
48	<u>Urban Affairs</u>							
	Sectt.Deptt.	Nil	14	14	14	Nil	Nil	Nil
	Dte.of Urban Affairs	Nil	24	24	21	Nil	Nil	Nil
	Shillong Municipal Board	Nil	17	17	17	Nil	Nil	Nil
	Jowai Municipal Board	Nil	2	2	2	Nil	Nil	Nil
	MUDA	Nil	13	13	13	Nil	Nil	Nil
	Tura Municipal Board	Nil	4	4	4	Nil	Nil	Nil
	Williamnagar Municipal Board	Nil	1	1	1	Nil	Nil	Nil
	Resubelpara Municipal Board	Nil	1	1	1	Nil	Nil	Nil
Meghalaya Urban Dev.Agency, Raitong Building Shillong	Nil	1	1	1	Nil	Nil	Nil	
49	<u>Metrology Department</u>							
	Sectt.Deptt.							
	Controller of Legal Metrology	Nil	20	20	20	Nil	Nil	Nil
50	<u>Meghalaya Legislative Assembly</u>							
51	<u>Meghalaya High Court</u>							

52	<u>Governor's Secretariat, Raj Bhavan, Shillong</u>	Nil	8	8	8	Nil	Nil	Nil
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53	<u>Meghalaya State Information Commission</u>	Nil	6	6	2	4	Nil	Nil
54	<u>Water Resources Department</u>	Nil	5	5	5	Nil	Nil	Nil
Total:		18	1607	1625	1546	30	1	Nil

Table 7.2.2. below indicates year wise disposal of Requests during the last eight years:

Table 7.2.2

Year	Total No. of Requests	No. of Requests Disposed	No. of Requests Rejected
2006	310	291	28
2007	537	492	10
2008	360	335	2
2009	676	652	4
2010	836	816	4
2011	1074	1051	7
2012	1289	1231	16
2013	1625	1546	30

7.3. Disposal of First Appeals by the Departmental Appellate Authority (DAA):

Section 19 (1) provides that – Any person who does not receive a decision within the time specified in Sub Section 11 (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 30 days from the expiry of such period or from the receipt of such a decision prefer an appeal (First 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.

During the 2013, 76 number of appeals were preferred before the Departmental Appellate Authority (DAA) in the form of First Appeals under Section 19(1) of the Act. The disposal of the appeals by the Departmental Appellate Authorities is given in the Table 7.3.1 below:

Disposal of First Appeals by the Departmental Appellate Authorities

Reporting Year: 2013

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	% of First Appeals Rejected	No. of First Appeals pending for more than 45 Days
1	2	3	4	5	6	7	8	9
1	<u>Agriculture</u>							
	Sectt.Deptt.							
	Dte.of Agri.	Nil	6	6	5	Nil	Nil	Nil
	Dte.of Hort	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	C.E. Irrigation Megh. State Agricultural Marketing Board, Shillong							
2	<u>Arts & Culture</u>							
	Sectt.Dept.							
	Dte.of Arts & Culture							
3	<u>A.H.&Vety.</u>							
	Sectt.Dept.							
	Dte.of A.H.&Vety	Nil	Nil	Nil	Nil	Nil	Nil	Nil
4	<u>Border Areas Dev.</u>							
	Sectt.Deptt.							
	Dte.of BAD							
5	<u>C.M.Secretariat</u>							
	Sectt.Dept.	Nil	Nil	Nil	Nil	Nil	Nil	Nil
6	<u>Cabinet Affairs</u>							
	Sectt.Deptt.	Nil	Nil	Nil	Nil	Nil	Nil	Nil
7	<u>Communication</u>							
	Sectt.Dept							
8	<u>C&RD</u>							
	Sectt.Dept.	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Dte.of C&RD	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Project Director, East Khasi Hills, Shillong	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Project Director, West Khasi Hills, Nongstoin	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Project Director, Ribhoi District, Nongpoh	Nil	Nil	Nil	Nil	Nil	Nil	Nil
Project Director, West Jaintia Hills, Jowai	Nil	Nil	Nil	Nil	Nil	Nil	Nil	

	Project Director, East Garo Hills, Williamnagar	Nil	4	4	4	Nil	Nil	Nil
	Project Director, South Garo Hills, Baghmara	Nil	1	1	1	Nil	Nil	Nil
	Project Director, West Garo Hills, Tura	Nil	Nil	Nil	Nil	Nil	Nil	Nil
9	<u>Cooperation</u>							
	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 Ltd.	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	The Meghalaya Coop. Apex Bank Ltd.	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Cooperative Federation Ltd.							
10	<u>District Council Affairs</u>							
	Sectt.Deptt.	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	KHADC							
	JHADC	1	2	1	1	Nil	Nil	Nil
	GHADC							
11	<u>Education</u>							
	Sectt.Deptt.							
	DHTE							
	DERT	Nil	1	1	1	Nil	Nil	Nil
	MBOSE	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	DSEL	Nil	Nil	Nil	Nil	Nil	Nil	Nil
12	<u>Elections</u>							
	Sectt.Deptt.	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	DCs	Nil	Nil	Nil	Nil	Nil	Nil	Nil
13	<u>E.R.T.S.</u>							
	Sectt.Deptt.							
	Com.Tax	Nil	4	4	Nil	Nil	Nil	Nil
	Com.Excise	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Inspector General of Registration & Superintendent of Stamps	Nil	Nil	Nil	Nil	Nil	Nil	Nil

	Dte.of Megh. State Lottery	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Meghalaya Commission of Resource Mobilization	Nil	Nil	Nil	Nil	Nil	Nil	Nil
14	Finance							
	Sectt.Deptt.							
	Dte.of Accounts & Treasuries	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Dte.of Local Accounts	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Dte.of Small Savings							
	Dte.of Institutional Finance							
	Finance (EC-1) Deptt.							
	Finance (Economic Affairs) Deptt.	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Finance (PR) Deptt.							
	Finance (Establishment) Deptt.	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Finance (AF)							
	Finance (PC)	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Treasury Officer, West Garo Hills	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Treasury Officer, South West Khasi Hills	Nil	Nil	Nil	Nil	Nil	Nil	Nil
15	Food & Civil Supplies							
	Sectt.Deptt.							
	Dte.of Food & Civil Supplies							
	Meghalaya State Consumer Disputes Redressal Commission							
16	Forest & Env.							
	Sectt.Deptt.	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	O/o PCCF	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	O/o CCF (Social Forestry)	Nil	6	6	6	Nil	Nil	Nil
	O/o(Research & Training)	Nil	1	1	0	Nil	Nil	Nil
	O/o CCF (Territorial)	Nil	Nil	Nil	Nil	Nil	Nil	Nil

	O/o CF (WL) Meghalaya Shillong	Nil	1	1	1	Nil	Nil	Nil
	O/o CF (WL) Tura							
17	<u>Fisheries</u>							
	Sectt.Deptt.							
	Dte.of Fisheries	Nil	Nil	Nil	Nil	Nil	Nil	Nil
18	<u>G.A.D.</u>							
	Sectt.Deptt.							
	Office Estate Officer							
	Dte. of Sainik Welfare	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Zila Sainik Welfare							
	G.A.D. (B)							
	GAD (A)	Nil	Nil	Nil	Nil	Nil	Nil	Nil
19	<u>Home (Police)</u>							
	Sectt.Deptt.	2	5	7	4	Nil	Nil	Nil
20	<u>Home Guards & Civil Defence</u>							
	Sectt.Deptt.							
	Dte. Of Civil Defence & Home Guards	Nil	Nil	Nil	Nil	Nil	Nil	Nil
21	<u>Home (Jails)</u>							
	Sectt.Deptt.							
	Director General of Prisons	1	1	2	1	Nil	Nil	Nil
22	<u>Home (Passport)</u>							
	Sectt.Deptt.							
23	<u>Health & F.W.</u>							
	Sectt.Deptt.							
	DHS (MI)							
	DHS (MCH & FW)	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	DHS (R)	Nil	Nil	Nil	Nil	Nil	Nil	Nil
24	<u>Housing</u>							
	Sectt.Deptt.							
	Dte.of Housing	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Meghalaya State Housing Board	Nil	Nil	Nil	Nil	Nil	Nil	Nil
25	<u>Industries</u>							
	Sectt.Deptt.							
	Dte.of Commerce Industries	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	MIDC							
	MCCL							
	MKVIB							
	Meghalaya Handloom							
	MHHDC							
MBCL								

	MEDC Ltd.							
26	<u>Information & Public Relations</u>							
	Sectt.Deptt.	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Dte.of I.P.R.	Nil	Nil	Nil	Nil	Nil	Nil	Nil
27	<u>Information Technology</u>							
	Sectt.Deptt.							
28	<u>Law (A)</u>							
	Sectt.Deptt.	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Law (B)							
29	<u>Labour</u>							
	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
	Directorate of Meghalaya Civil Task Force	Nil	Nil	Nil	Nil	Nil	Nil	Nil
30	<u>Mining & Geology</u>							
	Sectt.Dept	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Dte.of Mineral Resources	Nil	Nil	Nil	Nil	Nil	Nil	Nil
31	<u>Planning</u>							
	Sectt.Deptt.	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Programme Implementation & Evaluation Dept.	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Dte. of Programme Implementation & Evaluation Dept.	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Dte.of Economics & Statistics	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	M.E.D.C.	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Bio. Resource Development Council, Shillong	Nil	Nil	Nil	Nil	Nil	Nil	Nil

	State Council of Science & Technology & Environment, Shillong	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Shillong Science Centre, Shillong	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Meghalaya State Planning Board	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Meghalaya Rural Development Society, Shillong							
	Meghalaya Resource & Employment Generation Council, Shillong							
	Meghalaya Basin Development Authority	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Meghalaya Institute of Governance	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Meghalaya Institute of Entrepreneurship	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Science & Technology Cell	Nil	Nil	Nil	Nil	Nil	Nil	Nil
32	<u>Personnel</u>							
	Personnel & A.R.(A)	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Personnel & A.R. (B)	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	DC,EK Hills	Nil	18	18	18	Nil	Nil	Nil
	DC, Ribhoi District	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	DC, West Jaintia Hills District, Jowai	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	DC, West Khasi Hills	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	DC, West Garo Hills, Tura	Nil	3	3	3	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.	1	0	1	1	Nil	Nil	Nil
	Commissioner of Divisions East, West Khasi Hills, Jaintia Hills, Ribhoi District	Nil	Nil	Nil	Nil	Nil	Nil	Nil

	Personnel AR (ARC) Deptt.							
	MATI	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	D.C. South West Khasi Hills District Mawkyrwat	Nil	2	2	2	Nil	Nil	Nil
	DC East Jaintia Hills District Khliehriat	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	DC Resubelpara	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	DC Ampati	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Commissioner of Division Tura	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	SDO (C) Sohra	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	SDO (C) Mairang	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	SDO (C) Amlarem	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	SDO Dadenggre	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	All India Service Pre-Examination Training Centre	Nil	Nil	Nil	Nil	Nil	Nil	Nil
33	<u>Political</u>							
	Sectt.Deptt.	Nil	Nil	Nil	Nil	Nil	Nil	Nil
34	<u>P.H.E.</u>							
	Sectt.Deptt.							
	Chief Engineer	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Pollution Control Board							
35	<u>Power</u>							
	Sectt.Deptt.							
	M.E.C. Ltd.							
	MSERC							
	MNREDA							
	Senior Electrical Inspector, Inspectorate of Electricity, Shillong	Nil	Nil	Nil	Nil	Nil	Nil	Nil
36	<u>Printing & Stationery</u>							
	Sectt.Deptt.	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Dte.of Printing & Stationery	Nil	1	1	1	Nil	Nil	Nil
37	<u>P.W.D.</u>							
	Sectt.Deptt.	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	C.E.PWD(R)	Nil	16	16	16	Nil	Nil	Nil
	C.E.PWD (NH)							
	C.E.PWD (B)	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Megh. Govt. Construction Corporation Ltd.	Nil	Nil	Nil	Nil	Nil	Nil	Nil

38	<u>Parliamentary Affairs</u>							
	Sectt.Deptt.	Nil	Nil	Nil	Nil	Nil	Nil	Nil
39	<u>Meghalaya Bharat Scouts & Guides</u>	Nil	Nil	Nil	Nil	Nil	Nil	Nil
40	<u>Revenue & Disaster Management</u>							
	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
41	<u>SAD</u>							
	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
42	<u>Sports & Youth Affairs</u>							
	Sectt.Deptt.	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Dte.of S.Y.A.	Nil	Nil	Nil	Nil	Nil	Nil	Nil
43	<u>Social Welfare</u>							
	Sectt.Deptt.							
	Dte.of Social Welfare	Nil	2	2	2	Nil	Nil	Nil
	Meghalaya State Social Welfare Board	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	State Commission for Women	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Commissioner for Person with Disabilities	Nil	Nil	Nil	Nil	Nil	Nil	Nil
44	<u>Soil & Water Conservation</u>							
	Sectt.Deptt.	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Dte.of Soil & Water Conservation	Nil	Nil	Nil	Nil	Nil	Nil	Nil
45	<u>Sericulture & Weaving</u>							
	Sectt.Deptt.	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Dte.of Sericulture	Nil	Nil	Nil	Nil	Nil	Nil	Nil
46	<u>Transport</u>							
	Sectt.Deptt.							
	Comnr.of Transport							
	M.T.C.	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	D.T.O.s							

	Secretary State Transport Authority							
47	<u>Tourism</u>							
	Sectt.Deptt.	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Dte.of Tourism	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	MTDC Ltd.	Nil	Nil	Nil	Nil	Nil	Nil	Nil
48	<u>Urban Affairs</u>							
	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	Nil	Nil	Nil	Nil	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
	Meghalaya Urban Dev. Agency, Raitong Building Shillong	Nil	Nil	Nil	Nil	Nil	Nil	Nil
49	<u>Metrology Department</u>							
	Sectt.Deptt.							
	Controller of Legal Metrology	Nil	Nil	Nil	Nil	Nil	Nil	Nil
50	<u>Meghalaya Legislative Assembly</u>							
51	<u>Meghalaya High Court</u>							

52	<u>Governor's Secretariat, Raj Bhavan, Shillong</u>	Nil	Nil	Nil	Nil	Nil	Nil	Nil
53	<u>Meghalaya State Information Commission</u>	Nil	Nil	Nil	Nil	Nil	Nil	Nil
54	<u>Water Resources Department</u>	Nil	Nil	Nil	Nil	Nil	Nil	Nil

Total 5 73 78 66 Nil Nil Nil

Table 7.3.2 below indicates year wise disposal of First Appeals by the Departmental Appellate Authorities for the last seven years:-

Table 7.3.2

Year	Total No. of First Appeals	No. of First Appeals disposed	No. of First Appeals rejected
2006	21	20	1
2007	108	106	2
2008	23	23	Nil
2009	39	39	Nil
2010	42	36	6
2011	94	94	Nil
2012	118	117	1
2013	78	66	Nil

7.4 Information Requests rejected by the PIO/Public Authorities:

Section 7 (1) empowers the Public Information Officer to reject the request for information for any of the reasons specified under section 8 and 9 of the Right to Information Act, 2005.

The number of requests rejected by the PIOs/Public authorities is indicated in the Table 7.4.1. below:

Information Requests rejected by the PIOs/Public authorities:

Reporting Year: 2013

Table 7.4.1

Sl. No	Name of Departments Public Authorities	Total No. of Requests Rejected	No. of Requests Rejected Section 8	No. of Requests Rejected Section 9	No. of Requests Rejected Section 11	No. of Requests Rejected Section 24	No. of Requests Rejected Other Section
1	2	3	4	5	6	7	8
1	<u>Agriculture</u>						
	Sectt.Deptt.						
	Dte.of Agri.	Nil	6	6	6	Nil	Nil
	Dte.of Hort	Nil	Nil	Nil	Nil	Nil	Nil
	C.E. Irrigation						
	Meghalaya State Agricultural Marketing Board, Shillong						
2	<u>Arts & Culture</u>						
	Sectt.Deptt.						
	Dte.of Arts & Culture						

3	<u>A.H.&Vety.</u>						
	Sectt.Dept.						
	Dte.of A.H.&Vety	Nil	Nil	Nil	Nil	Nil	Nil
4	<u>Border Areas Dev.</u>						
	Sectt.Deptt.						
	Dte.of BAD						
5	<u>C.M.Secretariat</u>						
	Sectt.Dept.	Nil	Nil	Nil	Nil	Nil	Nil
6	<u>Cabinet Affairs</u>						
	Sectt.Deptt.	Nil	Nil	Nil	Nil	Nil	Nil
7	<u>Communication</u>						
	Sectt.Dept						
8	<u>C&RD</u>						
	Sectt.Dept.	Nil	Nil	Nil	Nil	Nil	Nil
	Dte.of C&RD	Nil	Nil	Nil	Nil	Nil	Nil
	Project Director, East Khasi Hills, Shillong	Nil	Nil	Nil	Nil	Nil	Nil
	Project Director, West Khasi Hills, Nongstoin	Nil	Nil	Nil	Nil	Nil	Nil
	Project Director, Ribhoi District, Nongpoh	Nil	Nil	Nil	Nil	Nil	Nil
	Project Director, West Jaintia Hills, Jowai	Nil	Nil	Nil	Nil	Nil	Nil
	Project Director, East Garo Hills, Williamnagar	Nil	Nil	Nil	Nil	Nil	Nil
	Project Director, South Garo Hills, Bagmara	Nil	Nil	Nil	Nil	Nil	Nil
	Project Director, West Garo Hills, Tura	Nil	Nil	Nil	Nil	Nil	Nil
9	<u>Cooperation</u>						
	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 Ltd.	Nil	Nil	Nil	Nil	Nil	Nil
	The Meghalaya Coop. Apex Bank Ltd.	Nil	Nil	Nil	Nil	Nil	Nil
	Cooperative Federation Ltd.						
10	<u>District Council Affairs</u>						
	Sectt.Deptt.	Nil	Nil	Nil	Nil	Nil	Nil
	KHADC						
	JHADC	1	Nil	Nil	Nil	Nil	Nil
	GHADC						
11	<u>Education</u>						
	Sectt.Deptt.						
	DHTE						
	DEPT	Nil	Nil	Nil	Nil	Nil	Nil
	DEME						
	MBOSE	1	1	Nil	Nil	Nil	Nil
	DSEL	3	2	Nil	Nil	Nil	Nil
12	<u>Elections</u>						
	Sectt.Deptt.	Nil	Nil	Nil	Nil	Nil	Nil
	DCs	Nil	Nil	Nil	Nil	Nil	Nil
13	<u>E.R.T.S.</u>						
	Sectt.Deptt.						
	Com.Tax	Nil	Nil	Nil	Nil	Nil	Nil
	Com.Excise	Nil	Nil	Nil	Nil	Nil	Nil
	Inspector General of Registration & Superintendent of Stamps	Nil	Nil	Nil	Nil	Nil	Nil
	Dte.of Megh. State Lottery	Nil	Nil	Nil	Nil	Nil	Nil
	Meghalaya Commission of Resource Mobilization	Nil	Nil	Nil	Nil	Nil	Nil
14	<u>Finance</u>						
	Sectt.Deptt.						
	Dte.of Accounts & Treasuries	Nil	Nil	Nil	Nil	Nil	Nil
	Dte.of Local Accounts	Nil	Nil	Nil	Nil	Nil	Nil
	Dte.of Small Savings						

	Dte.of Institutional Finance						
	Finance (EC-1) Deptt.						
	Finance (Economic Affairs) Deptt.	Nil	Nil	Nil	Nil	Nil	Nil
	Finance (PR) Deptt.						
	Finance (Establishment) Deptt.	Nil	Nil	Nil	Nil	Nil	Nil
	Finance (AF)						
	Finance (PC)	Nil	Nil	Nil	Nil	Nil	Nil
	Treasury Officer, West Garo Hills	Nil	Nil	Nil	Nil	Nil	Nil
	Treasury Officer, South West Khasi Hills	Nil	Nil	Nil	Nil	Nil	Nil
15	<u>Food & Civil Supplies</u>						
	Sectt.Deptt.						
	Dte.of Food & Civil Supplies						
	Meghalaya State Consumer Disputes Redressal Commission						
16	<u>Forest & Env.</u>						
	Sectt.Deptt.	Nil	Nil	Nil	Nil	Nil	Nil
	O/o PCCF	Nil	Nil	Nil	Nil	Nil	Nil
	O/o CCF (Social Forestry)	Nil	Nil	Nil	Nil	Nil	Nil
	O/o(Research & Training)	Nil	Nil	Nil	Nil	Nil	Nil
	O/o CCF (Territorial)	Nil	Nil	Nil	Nil	Nil	Nil
	O/o CF (WL) Meghalaya Shillong	Nil	Nil	Nil	Nil	Nil	Nil
	O/o CF (WL) Tura						
17	<u>Fisheries</u>						
	Sectt.Deptt.						
	Dte.of Fisheries	Nil	Nil	Nil	Nil	Nil	Nil
18	<u>G.A.D.</u>						
	Sectt.Deptt.						
	Office Estate Officer						
	Dte. of Sainik Welfare	Nil	Nil	Nil	Nil	Nil	Nil

	Zila Sainik Welfare						
	GAD (B)						
	GAD (A)	Nil	Nil	Nil	Nil	Nil	Nil
19	<u>Home (Police)</u>						
	Sectt.Deptt.	7	7	Nil	Nil	Nil	Nil
20	<u>Home Guards & Civil Defence</u>						
	Sectt.Deptt.						
	Dte. Of Civil Defence & Home Guards	Nil	Nil	Nil	Nil	Nil	Nil
21	<u>Home (Jails)</u>						
	Sectt.Deptt.						
	Director General of Prisons	Nil	Nil	Nil	Nil	Nil	Nil
22	<u>Home (Passport)</u>						
	Sectt.Deptt.						
23	<u>Health & F.W.</u>						
	Sectt.Deptt.						
	DHS (MI)						
	DHS (MCH & FW)	Nil	Nil	Nil	Nil	Nil	Nil
	DHS (R)	Nil	Nil	Nil	Nil	Nil	Nil
24	<u>Housing</u>						
	Sectt.Deptt.						
	Dte.of Housing	Nil	Nil	Nil	Nil	Nil	Nil
	Meghalaya State Housing Board	Nil	Nil	Nil	Nil	Nil	Nil
25	<u>Industries</u>						
	Sectt.Deptt.						
	Dte.of Commerce Industries	Nil	Nil	Nil	Nil	Nil	Nil
	MIDC						
	MCCL						
	MKVIB						
	Meghalaya Handloom						
	MHHDC						
	MBCL						
	MEDC Ltd.						
26	<u>Information & Public Relations</u>						
	Sectt.Deptt.	Nil	Nil	Nil	Nil	Nil	Nil
	Dte.of I.P.R.	Nil	Nil	Nil	Nil	Nil	Nil
27	<u>Information Technology</u>						
	Sectt.Deptt.						
28	<u>Law (A)</u>						
	Sectt.Deptt.	Nil	Nil	Nil	Nil	Nil	Nil
	Law (B)						
29	<u>Labour</u>						
	Sectt.Deptt.	Nil	Nil	Nil	Nil	Nil	Nil

	Dte.of Employment & Craftsmen Training	Nil	Nil	Nil	Nil	Nil	Nil
	O/o Administrative Medical Officer	Nil	Nil	Nil	Nil	Nil	Nil
	Chief Inspector of Boilers	Nil	Nil	Nil	Nil	Nil	Nil
	Labour Commissioner	Nil	Nil	Nil	Nil	Nil	Nil
	Directorate of Meghalaya Civil Task Force	Nil	Nil	Nil	Nil	Nil	Nil
30	<u>Mining & Geology</u>						
	Sectt.Dept	Nil	Nil	Nil	Nil	Nil	Nil
	Dte.of Mineral Resources	Nil	Nil	Nil	Nil	Nil	Nil
31	<u>Planning</u>						
	Sectt.Deptt.	Nil	Nil	Nil	Nil	Nil	Nil
	Programme Implementation & Evaluation Deptt.	Nil	Nil	Nil	Nil	Nil	Nil
	Dte. of Programme Implementation & Evaluation Deptt.	Nil	Nil	Nil	Nil	Nil	Nil
	Dte.of Economics & Statistics	Nil	Nil	Nil	Nil	Nil	Nil
	M.E.D.C.	Nil	Nil	Nil	Nil	Nil	Nil
	Bio. Resource Development Council, Shillong	Nil	Nil	Nil	Nil	Nil	Nil
	State Council of Science & Technology & Environment, Shillong	Nil	Nil	Nil	Nil	Nil	Nil
	Shillong Science Centre, Shillong	Nil	Nil	Nil	Nil	Nil	Nil
	Meghalaya State Planning Board	Nil	Nil	Nil	Nil	Nil	Nil
	Meghalaya Rural Development Society, Shillong						
	Meghalaya Resource & Employment Generation Council, Shillong						

	Meghalaya Basin Development Authority	Nil	Nil	Nil	Nil	Nil	Nil
	Meghalaya Institute of Governance	Nil	Nil	Nil	Nil	Nil	Nil
	Meghalaya Institute of Entrepreneurship	Nil	Nil	Nil	Nil	Nil	Nil
	Science & Technology Cell	Nil	Nil	Nil	Nil	Nil	Nil
32	Personnel						
	Personnel & A.R.(A)	Nil	Nil	Nil	Nil	Nil	Nil
	Personnel AR (B)	Nil	Nil	Nil	Nil	Nil	Nil
	DC,EK Hills	Nil	Nil	Nil	Nil	Nil	Nil
	DC, Ribhoi District	Nil	Nil	Nil	Nil	Nil	Nil
	DC, West Jaintia Hills District, Jowai	Nil	Nil	Nil	Nil	Nil	Nil
	DC, West Khasi Hills	Nil	Nil	Nil	Nil	Nil	Nil
	DC, West Garo Hills, Tura	Nil	Nil	Nil	Nil	Nil	Nil
	DC, East Garo Hills	Nil	Nil	Nil	Nil	Nil	Nil
	DC, South Garo Hills	Nil	Nil	Nil	Nil	Nil	Nil
	M.P.S.C.	Nil	7	Nil	7	Nil	Nil
	Commissioner of Divisions East, West Khasi Hills, Jaintia Hills, Ribhoi District	Nil	Nil	Nil	Nil	Nil	Nil
	Personnel AR (ARC) Deptt.						
	MATI	Nil	Nil	Nil	Nil	Nil	Nil
	D.C. South West Khasi Hills District Mawkyrwat	Nil	Nil	Nil	Nil	Nil	Nil
	DC East Jaintia Hills District Khliehriat	Nil	Nil	Nil	Nil	Nil	Nil
	DC Resubelpara	Nil	Nil	Nil	Nil	Nil	Nil
	DC Ampati	Nil	Nil	Nil	Nil	Nil	Nil
	Commissioner of Division Tura	Nil	Nil	Nil	Nil	Nil	Nil
	SDO (C) Sohra	Nil	Nil	Nil	Nil	Nil	Nil

	SDO (C) Mairang	Nil	Nil	Nil	Nil	Nil	Nil
	SDO (C) Amlarem	Nil	Nil	Nil	Nil	Nil	Nil
	SDO Dadenggre	Nil	Nil	Nil	Nil	Nil	Nil
	All India Service Pre-Examination Training Centre	Nil	Nil	Nil	Nil	Nil	Nil
33	<u>Political</u>						
	Sectt.Deptt.	Nil	Nil	Nil	Nil	Nil	Nil
34	<u>P.H.E.</u>						
	Sectt.Deptt.						
	Chief Engineer	Nil	Nil	Nil	Nil	Nil	Nil
	Pollution Control Board						
35	<u>Power</u>						
	Sectt.Deptt.						
	M.E.C. Ltd.						
	MSERC						
	MNREDA						
	Senior Electrical Inspector Inspectorate of Electricity, Shillong	Nil	Nil	Nil	Nil	Nil	Nil
36	<u>Printing & Stationery</u>						
	Sectt.Deptt.	Nil	Nil	Nil	Nil	Nil	Nil
	Dte.of Printing & Stationery	Nil	Nil	Nil	Nil	Nil	Nil
37	<u>P.W.D.</u>						
	Sectt.Deptt.	Nil	Nil	Nil	Nil	Nil	Nil
	C.E.PWD(R)	Nil	Nil	Nil	Nil	Nil	Nil
	C.E.PWD (NH)						
	C.E.PWD (B)	Nil	Nil	Nil	Nil	Nil	Nil
	Megh. Govt. Construction Corporation Ltd.	Nil	Nil	Nil	Nil	Nil	Nil
38	<u>Parliamentary Affairs</u>						
	Sectt.Deptt.	Nil	Nil	Nil	Nil	Nil	Nil
39	<u>Meghalaya Bharat Scouts & Guides</u>	Nil	Nil	Nil	Nil	Nil	Nil
40	<u>Revenue & Disaster Management</u>						
	Sectt.Deptt.	Nil	Nil	Nil	Nil	Nil	Nil
	Meghalaya Board of Revenue	Nil	Nil	Nil	Nil	Nil	Nil

	Dte.Land Records & Survey	Nil	Nil	Nil	Nil	Nil	Nil
41	<u>SAD</u>						
	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
42	<u>Sports & Youth Affairs</u>						
	Sectt.Deptt.	Nil	Nil	Nil	Nil	Nil	Nil
	Dte.of S.Y.A.	Nil	Nil	Nil	Nil	Nil	Nil
43	<u>Social Welfare</u>						
	Sectt.Deptt.						
	Dte.of Social Welfare	Nil	Nil	Nil	Nil	Nil	Nil
	Meghalaya State Social Welfare Board	Nil	Nil	Nil	Nil	Nil	Nil
	State Commission for Women	Nil	Nil	Nil	Nil	Nil	Nil
	Commissioner for Person with Disabilities	Nil	Nil	Nil	Nil	Nil	Nil
44	<u>Soil & Water Conservation</u>						
	Sectt.Deptt.	Nil	Nil	Nil	Nil	Nil	Nil
	Dte.of Soil & Water	Nil	Nil	Nil	Nil	Nil	Nil
45	<u>Sericulture & Weaving</u>						
	Sectt.Deptt.	Nil	Nil	Nil	Nil	Nil	Nil
	Dte.of Sericulture	Nil	Nil	Nil	Nil	Nil	Nil
46	<u>Transport</u>						
	Sectt.Deptt.						
	Comnr.of Transport						
	M.T.C.	Nil	Nil	Nil	Nil	Nil	Nil
	D.T.O.						
	Secretary, State Transport Authority						
47	<u>Tourism</u>						
	Sectt.Deptt.	Nil	Nil	Nil	Nil	Nil	Nil
	Dte.of Tourism	Nil	Nil	Nil	Nil	Nil	Nil
	MTDC Ltd.	Nil	Nil	Nil	Nil	Nil	Nil
48	<u>Urban Affairs</u>						
	Sectt.Deptt.	Nil	Nil	Nil	Nil	Nil	Nil
	Dte.of Urban Affairs	Nil	Nil	Nil	Nil	Nil	Nil

	Shillong Municipal Board	Nil	Nil	Nil	Nil	Nil	Nil
	Jowai Municipal Board	Nil	Nil	Nil	Nil	Nil	Nil
	MUDA	Nil	Nil	Nil	Nil	Nil	Nil
	Tura Municipal Board	Nil	Nil	Nil	Nil	Nil	Nil
	Williamnagar Municipal Board	Nil	Nil	Nil	Nil	Nil	Nil
	Resubelpara Municipal Board	Nil	Nil	Nil	Nil	Nil	Nil
	Megh. Urban Dev. Agency, Raitong Building, Shillong	Nil	Nil	Nil	Nil	Nil	Nil
49	<u>Metrology Department</u>						
	Sectt.Deptt.						
	Controller of Legal Metrology	Nil	Nil	Nil	Nil	Nil	Nil
50	<u>Meghalaya Legislative Assembly</u>						
51	<u>Meghalaya High Court</u>						
52	<u>Governor's Secretariat Raj Bhavan, Shillong</u>	Nil	Nil	Nil	Nil	Nil	Nil
53	<u>Meghalaya State Information Commission</u>	Nil	Nil	Nil	Nil	Nil	Nil
54	<u>Water Resources Department</u>	Nil	Nil	Nil	Nil	Nil	Nil
Total:		8	20	6	13	Nil	Nil

7.5 Amount of fees & other charges collected by each Public authority:

A total amount of ₹ 45,130/- was collected by the PIOs/Public authorities in the form of fees and charges during the year 2013. Out of this an amount of ₹ 2,263/- was collected under Section 4(4) of the Act, being the cost of the printed materials in which form the information was provided. ₹ 7,527/- was the application fee collected under Section 6(1) of the Act. An amount of ₹21,341/- was collected under Section 7(1) being the cost of the photo copies made. An amount of ₹ 10,195/- was collected under section 7(5) being the cost of information provided in Electronic format. An amount of ₹3,804/- was the miscellaneous charges collected by the Public Information Officers and the Public Authorities.

The details of the fees and other charges collected Department-wise is indicated in the Table 7.5.1 below:

Table 7.5.1 Amount of Fees and other Charges collected by the PIOs/Public Authorities:**Reporting Year: 2013**

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
1	<u>Agriculture</u>						
	Sectt.Deptt.						
	Dte.of Agri.	Nil	60	16	Nil	Nil	76
	Dte.of Hort	Nil	10	Nil	Nil	Nil	10
	C.E. Irrigation						
	Megh. State Agricultural Marketing Board, Shillong						
2	<u>Arts & Culture</u>						
	Sectt.Dept.						
	Dte.of Arts & Culture						
3	<u>A.H.&Vety.</u>						
	Sectt.Dept.						
	Dte.of A.H.&Vety	Nil	Nil	114	42	Nil	156
4	<u>Border Areas Dev.</u>						
	Sectt.Deptt.						
	Dte.of BAD						
5	<u>C.M.Secretariat</u>						
	Sectt.Dept.	Nil	20	Nil	Nil	Nil	20
6	<u>Cabinet Affairs</u>						
	Sectt.Deptt.						
7	<u>Communication</u>						
	Sectt.Dept	Nil	30	238	Nil	Nil	268
8	<u>C&RD</u>						
	Sectt.Dept.	Nil	40	Nil	Nil	Nil	40
	Dte.of C&RD	Nil	10	8	Nil	Nil	18
	Project Director, East Khasi Hills, Shillong	Nil	490	8693	Nil	Nil	9183
	Project Director, West Khasi Hills, Nongstoin	Nil	50	Nil	Nil	21	71
	Project Director, Ribhoi District, Nongpoh	Nil	40	64	Nil	Nil	104
	Project Director, West Jaintia Hills, Jowai	Nil	190	488	Nil	Nil	678

	Project Director, East Garo Hills, Williamnagar	Nil	40	124	Nil	Nil	164
	Project Director, South Garo Hills, Baghmara	200	10	Nil	Nil	Nil	210
	Project Director, West Garo Hills, Tura	Nil	110	Nil	2242	Nil	2352
9	<u>Cooperation</u>						
	Sectt.Deptt.	Nil	Nil	10	Nil	Nil	10
	Registrar of Cooperative Societies	Nil	70	674	Nil	Nil	744
	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 Ltd.	Nil	Nil	Nil	Nil	Nil	Nil
	The Meghalaya Coop. Apex Bank Ltd.	Nil	Nil	Nil	Nil	Nil	Nil
	Cooperative Federation Ltd.						
10	<u>District Council Affairs</u>						
	Sectt.Deptt.	Nil	20	Nil	Nil	Nil	20
	KHADC						
	JHADC	Nil	450	1604	1948	Nil	4002
11	<u>Education</u>						
	Sectt.Deptt.						
	DHTE						
	DEPT	10	Nil	Nil	Nil	Nil	10
	DEME						
	MBOSE	Nil	100	Nil	Nil	Nil	100
	DSEL	Nil	100	1554	Nil	Nil	1654
12	<u>Elections</u>						
	Sectt.Dept.	Nil	70	Nil	Nil	Nil	70
	DCs	Nil	50	378	Nil	Nil	428
13	<u>E.R.T.S.</u>						
	Sectt.Dept.						
	Com.Tax	Nil	280	128	100	Nil	508
	Com.Excise	Nil	40	Nil	Nil	Nil	40

	Inspector General of Registration & Superintendent of Stamps	138	70	Nil	Nil	830	1038
	Dte.of Megh. State Lottery	10	Nil	Nil	Nil	Nil	10
	Meghalaya Commission of Resource Mobilization	Nil	Nil	Nil	Nil	Nil	Nil
14	<u>Finance</u>						
	Sectt.Deptt.						
	Dte.of Accounts & Treasuries	Nil	Nil	Nil	Nil	Nil	Nil
	Dte.of Local Accounts	Nil	Nil	Nil	Nil	Nil	Nil
	Dte.of Small Savings						
	Dte.of Institutional Finance						
	Finance (EC-1) Deptt.						
	Finance (Economic Affairs) Deptt.	Nil	20	Nil	Nil	Nil	20
	Finance (PR) Deptt.						
	Finance (Establishment) Deptt.	20	Nil	Nil	Nil	Nil	20
	Finance (AF)						
	Finance (PC)	10	Nil	Nil	Nil	Nil	10
	Treasury Officer, West Garo Hills	Nil	Nil	Nil	Nil	Nil	Nil
	Treasury Officer, South West Khasi Hills	Nil	Nil	Nil	Nil	Nil	Nil
15	<u>Food & Civil Supplies</u>						
	Sectt.Deptt.						
	Dte.of Food & Civil Supplies						
	Meghalaya State Consumer Disputes Redressal Commission						
16	<u>Forest & Env.</u>						
	Sectt.Deptt.	Nil	80	516	Nil	Nil	596
	O/o PCCF	Nil	170	704	Nil	Nil	874

	O/o CCF (Social Forestry)	282	100	24	Nil	Nil	406
	O/o(Research & Training)	10	50	Nil	Nil	28	88
	O/o CCF (Territorial)	Nil	50	46	Nil	Nil	96
	O/o CF (WL) Meghalaya Shillong	60	30	Nil	Nil	Nil	90
	O/o CF (WL) Tura						
17	<u>Fisheries</u>						
	Sectt.Deptt.						
	Dte.of Fisheries	30	154	62	Nil	Nil	246
18	<u>G.A.D.</u>						
	Sectt.Deptt.						
	Office Estate Officer						
	Dte. of Sainik Welfare	Nil	Nil	Nil	Nil	Nil	Nil
	Zila Sainik Welfare						
	G.A.D. (B)						
	GAD (A)	Nil	30	Nil	104	Nil	134
19	<u>Home (Police)</u>						
	Sectt.Deptt.	90	852	Nil	180	Nil	1122
20	<u>Home Guards & Civil Defence</u>						
	Sectt.Deptt.						
	Dte. Of Civil Defence & Home Guards	Nil	Nil	30	Nil	Nil	30
21	<u>Home (Jails)</u>						
	Sectt.Deptt.						
	Director General of Prisons	40	10	Nil	Nil	Nil	50
22	<u>Home (Passport)</u>						
	Sectt.Deptt.						
23	<u>Health & F.W.</u>						
	Sectt.Deptt.						
	DHS (MI)						
	DHS (MCH & FW)	10	30	Nil	Nil	Nil	40
	DHS (R)	Nil	30	Nil	Nil	Nil	30
24	<u>Housing</u>						
	Sectt.Deptt.						
	Dte.of Housing	Nil	Nil	Nil	Nil	Nil	Nil
	Meghalaya State Housing Board	Nil	Nil	Nil	Nil	Nil	Nil
25	<u>Industries</u>						
	Sectt.Deptt.						
	Dte.of Commerce Industries	Nil	130	62	Nil	Nil	192
	MIDC						

	MCCL						
	MKVIB						
	Meghalaya Handloom						
	MHHDC						
	MBCL						
	MEDC Ltd.						
26	<u>Information & Public Relations</u>						
	Sectt.Deptt.	Nil	Nil	Nil	Nil	Nil	Nil
	Dte.of I.P.R.	Nil	40	Nil	17	Nil	57
27	<u>Information Technology</u>						
	Sectt.Deptt.						
28	<u>Law (A)</u>						
	Sectt.Deptt.	10	Nil	Nil	Nil	Nil	10
	Law (B)						
29	<u>Labour</u>						
	Sectt.Deptt.	Nil	1487	Nil	Nil	Nil	1487
	Dte.of Employment & Craftsmen Training	Nil	110	794	Nil	Nil	904
	O/o Administrative Medical Officer	Nil	Nil	Nil	Nil	Nil	Nil
	Chief Inspector of Boilers	Nil	Nil	Nil	Nil	Nil	Nil
	Labour Commissioner	Nil	10	Nil	Nil	Nil	10
	Directorate of Meghalaya Civil Task Force	Nil	Nil	Nil	Nil	Nil	Nil
30	<u>Mining & Geology</u>						
	Sectt.Dept	Nil	Nil	160	Nil	Nil	160
	Dte.of Mineral Resources	Nil	100	Nil	Nil	Nil	100
31	<u>Planning</u>						
	Sectt.Deptt.	Nil	10	94	Nil	Nil	104
	Programme Implementation & Evaluation Deptt.	Nil	Nil	Nil	Nil	Nil	Nil
	Dte. of Programme Implementation & Evaluation Deptt.	Nil	10	Nil	Nil	Nil	10
	Dte.of Economics & Statistics	Nil	50	16	Nil	Nil	66
	M.E.D.C.	Nil	Nil	Nil	Nil	Nil	Nil
	Bio. Resource Development Council, Shillong	Nil	Nil	111	Nil	Nil	111

	State Council of Science & Technology & Environment, Shillong	Nil	Nil	Nil	Nil	Nil	Nil
	Shillong Science Centre, Shillong	Nil	Nil	Nil	Nil	Nil	Nil
	Meghalaya State Planning Board	Nil	Nil	Nil	Nil	Nil	Nil
	Meghalaya Rural Development Society, Shillong						
	Meghalaya Resource & Employment Generation Council, Shillong						
	Meghalaya Basin Development Authority	Nil	Nil	Nil	Nil	Nil	Nil
	Meghalaya Institute of Governance	Nil	Nil	Nil	Nil	Nil	Nil
	Meghalaya Institute of Entrepreneurship	Nil	Nil	Nil	Nil	Nil	Nil
	Science & Technology Cell	Nil	Nil	Nil	Nil	Nil	Nil
32	<u>Personnel</u>						
	Personnel & A.R.(A)	Nil	40	Nil	Nil	Nil	40
	Personnel & A.R. (B)	Nil	Nil	46	Nil	Nil	46
	DC,EK Hills	600	774	733	Nil	80	2187
	DC, Ribhoi District	Nil	300	564	Nil	Nil	864
	DC, West Jaintia Hills District, Jowai	Nil	210	Nil	Nil	Nil	210
	DC, West Khasi Hills	Nil	30	Nil	Nil	252	282
	DC, West Garo Hills, Tura	Nil	Nil	Nil	Nil	Nil	Nil
	DC, East Garo Hills	Nil	Nil	Nil	Nil	Nil	Nil
	DC, South Garo Hills	Nil	Nil	Nil	Nil	Nil	Nil
	M.P.S.C.	Nil	170	10	1406	Nil	1586

	Commissioner of Divisions of East, West Khasi Hills, Jaintia Hills, Ribhoi District	Nil	Nil	Nil	Nil	Nil	Nil
	Personnel AR (ARC) Deptt.						
	MATI	Nil	Nil	Nil	Nil	Nil	Nil
	D.C. South West Khasi Hills District Mawkyrwat	Nil	Nil	Nil	Nil	Nil	Nil
	DC East Jaintia Hills District Khliehriat	Nil	Nil	Nil	Nil	Nil	Nil
	DC Resubelpara	Nil	Nil	Nil	Nil	Nil	Nil
	DC Ampati	Nil	Nil	Nil	Nil	Nil	Nil
	Commissioner of Division Tura	Nil	Nil	Nil	Nil	Nil	Nil
	SDO (C) Sohra	Nil	Nil	20	52	Nil	72
	SDO (C) Mairang	Nil	Nil	Nil	Nil	Nil	Nil
	SDO (C) Amlarem	Nil	Nil	Nil	Nil	Nil	Nil
	SDO Dadenggre	Nil	Nil	Nil	Nil	Nil	Nil
	All India Service Pre-Examination Training Centre	Nil	Nil	Nil	Nil	Nil	Nil
33	<u>Political</u>						
	Sectt.Deptt.	Nil	70	Nil	2086	Nil	2156
34	<u>P.H.E.</u>						
	Sectt.Deptt.						
	Chief Engineer	202	206	302	40	63	813
	Pollution Control Board						
35	<u>Power</u>						
	Sectt.Deptt.						
	M.E.C. Ltd.						
	MSERC						
	MNREDA						
	Senior Electrical Inspector, Inspectorate of Electricity, Shillong	Nil	Nil	Nil	Nil	Nil	Nil
36	<u>Printing & Stationery</u>						
	Sectt.Deptt.	Nil	Nil	Nil	Nil	Nil	Nil
	Dte.of Printing & Stationery	60	60	60	60	60	300
37	<u>P.W.D.</u>						
	Sectt.Deptt.	Nil	20	Nil	Nil	Nil	20
	C.E.PWD(R)	Nil	0	Nil	Nil	Nil	0
	C.E.PWD (NH)						

	C.E.PWD (B)	Nil	20	Nil	Nil	Nil	20
	Megh. Govt. Construction Corporation Ltd.	Nil	Nil	Nil	Nil	Nil	Nil
38	<u>Parliamentary Affairs</u>						
	Sectt.Deptt.	Nil	Nil	Nil	Nil	Nil	Nil
39	<u>Meghalaya Bharat Scouts & Guides</u>	Nil	Nil	Nil	Nil	Nil	Nil
40	<u>Revenue & Disaster Management</u>						
	Sectt.Deptt.	Nil	147	Nil	Nil	Nil	147
	Meghalaya Board of Revenue	Nil	Nil	Nil	Nil	Nil	Nil
	Dte.Land Records & Survey	10	Nil	Nil	Nil	130	140
41	<u>SAD</u>						
	SAD (A)	Nil	Nil	Nil	Nil	Nil	Nil
	SAD (E)	80	Nil	Nil	Nil	Nil	80
	SAD (N)	10	Nil	Nil	Nil	Nil	10
	SAD (R)	Nil	Nil	Nil	Nil	Nil	Nil
42	<u>Sports & Youth Affairs</u>						
	Sectt.Deptt.	Nil	Nil	Nil	Nil	Nil	Nil
	Dte.of S.Y.A.	Nil	40	Nil	Nil	Nil	40
43	<u>Social Welfare</u>						
	Sectt.Deptt.						
	Dte.of Social Welfare	10	140	332	Nil	Nil	482
	Meghalaya State Social Welfare Board	Nil	Nil	Nil	Nil	Nil	Nil
	State Commission for Women	Nil	Nil	Nil	Nil	Nil	Nil
	Commissioner for Person with Disabilities	Nil	10	Nil	Nil	Nil	10
44	<u>Soil & Water Conservation</u>						
	Sectt.Deptt.	Nil	Nil	20	Nil	Nil	20
	Dte.of Soil & Water	104	200	1526	Nil	2340	4170
45	<u>Sericulture & Weaving</u>						
	Sectt.Deptt.	Nil	Nil	Nil	Nil	Nil	Nil
	Dte.of Sericulture	Nil	170	Nil	Nil	Nil	170
46	<u>Transport</u>						
	Sectt.Deptt.						
	Comnr.of Transport						

	M.T.C.	Nil	Nil	Nil	Nil	Nil	Nil
	D.T.O.						
	Secretary, State Transport Authority, Shillong						
47	<u>Tourism</u>						
	Sectt.Deptt.	Nil	Nil	Nil	Nil	Nil	Nil
	Dte.of Tourism	Nil	20	Nil	Nil	Nil	20
	MTDC Ltd.	Nil	Nil	50	372	Nil	422
48	<u>Urban Affairs</u>						
	Sectt.Deptt.	Nil	120	1620	Nil	Nil	1740
	Dte.of Urban Affairs	Nil	80	Nil	1466	Nil	1546
	Shillong Municipal Board	Nil	170	763	Nil	Nil	933
	Jowai Municipal Board	Nil	Nil	Nil	Nil	Nil	Nil
	MUDA	Nil	130	91	Nil	Nil	221
	Tura Municipal Board	77	30	Nil	Nil	Nil	107
	Williamnagar Municipal Board	124	Nil	Nil	Nil	Nil	124
	Resubelpara Municipal Board	12	10	Nil	Nil	Nil	22
	Megh. Urban Dev. Agency, Raitong Building, Shillong	Nil	Nil	28	Nil	Nil	28
49	<u>Metrology Department</u>						
	Sectt.Deptt.						
	Controller of Legal Metrology	Nil	70	34	Nil	Nil	104
50	<u>Meghalaya Legislative Assembly</u>						
51	<u>Meghalaya High Court</u>						

52	<u>Governor's Secretariat, Raj Bhavan, Shillong</u>	Nil	Nil	Nil	Nil	Nil	Nil
53	<u>Meghalaya State Information Commission</u>	Nil	30	Nil	Nil	Nil	30
54	<u>Water Resources Department</u>	60	50	Nil	Nil	Nil	110

Total: 2263 7527 21341 10195 3804 45130

7.6

As mentioned in the preceding pages, of this chapter the data presented in Tables 7.2.1, 7.3.1 and 7.4.1 may not reflect the complete picture of the R.T.I. activities that had taken place during the year in the state as some Public Authorities had failed to comply with the legal requirement to furnish the relevant information for the Annual Report. Table 7.6.1 below indicates the names of such public authorities/Department.

Table 7.6.1

Names of the Departments and Public authorities who failed to furnish requisite information for the Annual Report 2013.

Sl.No.	Name of the Department	Name of the Public authority
1	Agriculture	Secretariat Department
		C.E. Irrigation
		Meghalaya State Agricultural Marketing Board, Shillong
2	Arts & Culture	Secretariat Department
		Dte. Of Arts & Culture
3	A.H.&Vety	Secretariat Department
4	Border Areas Development	Secretariat Department
		Dte. of Border Areas Development
5	Communication	Secretariat Department
6	Cooperation	Cooperative Federation Ltd.
7	District Council Affairs	KHADC/GHADC
8	Education	Secretariat Department
		DHTE
9	E.R.T.S.	Secretariat Department
10	Finance	Secretariat Department
		Dte. of Small Savings
		Dte. of Institutional Finance
		Finance (EC-1) Department
		Finance (PR) Department
	Finance (A.F.)	
11	Food & Civil Supplies	Secretariat Department
		Dte. of Food & Civil Supplies
		Meghalaya State Consumer Disputes Redressal Commission
12	Forest & Environment	O/o CF (WL) Tura
13	Fisheries	Secretariat Department

14	G.A.D.	Secretariat Department
		Office Estate Officer
		Zila Sainik Welfare
		G.A.D. (B)
15	Home Guards & Civil Defense	Secretariat Department
16	Home (Jails)	Secretariat Department
17	Home (Passport)	Secretariat Department
18	Health & F.W.	Secretariat Department
		DHS (MI)
19	Housing	Secretariat Department
20	Industries	Secretariat Department
		MIDC
		MCCL
		MKVIB
		Meghalaya Handloom
		MHHDC
		MBCL
		MEDC Ltd.
21	Information Technology	Secretariat Department
22	Law	Law (B)
23	Planning	Meghalaya Rural Development Society, Shillong
		Meghalaya Resource & Employment Generation Council, Shillong
24	P.H.E.	Secretariat Department
		Pollution Control Board
25	Power	Secretariat Department
		M.E.C.Ltd.
		MSERC
26	Social Welfare	MNREDA
		Secretariat Department
27	Transport	Secretariat Department
		Commissioner of Transport
		D.T.O.s
		Secretary, State Transport Authority
28	Metrology Department	Secretariat Department
29	Meghalaya Legislative Assembly	
30	Meghalaya High Court	

Chapter – 8

Key initiatives undertaken by the Government Departments and Public authorities in implementing the R.T.I. Act, 2005

Given below are the initiatives undertaken by different Government Departments in implementing the R.T.I. Act 2005:

Significant Initiatives by Government/Public Authorities to Implement the RTI Act: Record Management, Computerization & Networking, Sou muto disclosures etc.

Reporting Year: 2013

Sl. No	Name of Departments Public Authorities	Key Initiatives undertaken during the Year
1	2	3
1	<u>Agriculture</u>	
	Dte.of Agri.	Computerize of all records has been improved as far as possible. Awareness programme has been taken up for allied office and for the public.
	Dte.of Hort	Care has been taken for proper record management and for smooth and transparent disclosure of information
2	<u>C&RD</u>	
	Project Director, East Khasi Hills, Shillong	Record Management
	Project Director, West Garo Hills, Tura	Uploaded in the state website/networking.
3	<u>Cooperation</u>	
	Registrar of Cooperative Societies	All requests were being disposed off within the stipulated time.
	Meghalaya State Warehousing Corporation	1) Proper record management process is in place. 2) Accounts of the corporation etc. are computerized.
4	<u>Education</u>	
	DERT	One request for information was received by the Directorate action already taken
	DEME	
	MBOSE	Each branch of the office maintains separate file on RTI for speedy action and ready reference. All the maintained records can easily be converted into soft copies or uploaded in the internet.
5	<u>Elections</u>	
		All important matters relating to Electoral Rolls & conduct of General Election to the Meghalaya Legislative Assembly etc. being uploaded on ECI/CEO's websites.
		As per the Schedule of Summary Revision received from Election Commission of India Forms 6,7,8,8A filed are being maintained. Manuscripts pertaining to Revision Programme from time to time.
		Maintenance of Register pertaining to issue of EPIC.
		Stock Register of EVMs maintained.

		Hard & Soft Copy of Electoral Roll (Photo & Normal) are being maintained in respect of Revision Programme as announced by Election Commission of India.
6	<u>Finance</u>	
	Dte.of Local Accounts	Does not arise since no request/application was received for any person during the year 2013 for information under R.T.I. Act, 2005.
7	<u>Forest & Env.</u>	
	O/o CCF (Social Forestry)	Display in Notice Board Awareness Programme. Distribution of Pamphlets.
		Required information had been provided to the information seekers within the specified period (within 30 days)
		Prompt disposal of RTI application.
8	<u>Home (Police)</u>	
	Sectt.Deptt.	Strict instructions have been issued to all concerned branches unit to furnish required information well before the date fix.
		All out effort is being made to implement the Right to Information Act. 2005 in proper manner. Request/Appeal seeking any information if any on the record concerning our office/Department will be provided to the applicant expeditiously.
		All out effort is being made to implement the Right to Information Act.2005 in proper manner. Request/Appeal seeking any information if any on the record concerning our office/Department will be provided to the applicant expeditiously.
		The RTI application received during the year 2012 is being disposed off except 1 (one) RTI application due to non-availability of records, since the applicant asked information for the past two decades 20 (twenty years) i.e. before the creation of South Garo Hills, District.
		Crimes Statistics:- (a) Monthly and Annual statistics for the last 10 years are available in the department website (b) Crime against women are available in the department website. Statistics on Accidental Deaths and Suicides are available in the departmental website. Daily crime update for public information is available in department website. List of missing/wanted persons/unidentified death bodies with photographs (whenever available) are placed in department website. Various safety tips for general public are made available in the department website.
		Indicating report regarding recruitment can be replied at any time when required.
9	<u>Labour</u>	
	Dte.of Employment & Craftmen Training	1) Framing and uploading of Citizen's Charter in the Directorate Web's Portal. 2) Framing of Result Frame Work Document.
	Directorate of Meghalaya Civil Task Force	This Directorate/Office has already procured a computer and printer and this will help in providing information of any matter required by the public.
10	<u>Mining & Geology</u>	
	Dte.of Mineral Resources	Record, Management, Computerization and Networking is still going on.
11	<u>Planning</u>	
	Sectt.Deptt.	As far as Planning Department is concerned. All information is trying to update latest information. With regards to Sou Muto disclosures etc. Necessary action is being taken up separately and the same is under process.

	Dte.of Economics & Statistics	The Directorate including its District Offices is trying to update all latest information through its various publications released every year. Computers are also supplied to all District Offices for smooth and quick updating of official records.
12	<u>Personnel</u>	
	DC, West Jaintia Hills District, Jowai	Manual preparation by the Department posted on RTI website by NIC Jowai
	DC, West Khasi Hills	All records (list of beneficiaries) are being kept at Deputy Commissioner West Khasi Hills website “West Khasi Hills.gov.in”.
13	<u>Printing & Stationery</u>	
	Dte.of Printing & Stationery	All information published in the Gazette of Meghalaya, advertisements etc. are posted in the website for public awareness.
		Installation of Computer to press and four colour machine. Installation of CCTV camera.
14	<u>P.W.D.</u>	
	Sectt.Deptt.	Maintenance in RTI Register
	C.E.PWD(R)	Maintenance of R.T.I. register for quick disposal of information. Information as sought for has been submitted timely. Initiative was taken in order that all applications were cleared on time.
		Record management.
	C.E.PWD (NH)	
	C.E.PWD (B)	P.W.D. (R&B), Secretariat is the Public Authority of P.W.D. Buildings. Hence it does not arise.
	Megh. Govt. Construction Corporation Ltd.	Not in particular
15	<u>Social Welfare</u>	
	Dte.of Social Welfare	Record of requests received and disposed is being maintained in the Registers.
16	<u>Soil & Water Conservation</u>	
	Dte.of Soil & Water	Web pages are included under the website of Soil & Water Conservation Department under the RTI Act, 2005 (Act No.22 of 2005 (Chapter – II)
17	<u>Sericulture & Weaving</u>	
	Dte.of Sericulture	The different programmes taken up by the department were floated through NIC of local newspaper of recorded through the website of NIC. All information in connection with the application requested received are already fulfilled and satisfied by the applicant.
18	<u>Tourism</u>	
	MTDC Ltd.	Necessary action is in hand for proper record management, computerization, suo moto disclosure etc.
19	<u>Urban Affairs</u>	
	Jowai Municipal Board	Record manages through file and register
	MUDA	Nil
	Tura Municipal Board	Nothing in particular to report
20	<u>Water Resources Department</u>	Necessary steps have been taken to provide information to all the RTI applications within the stipulated time. Records are also maintained by the Department.

Chapter – 9

Recommendations

1. Transfer and Promotion of the Government officers and staff is a regular feature, which is taking place from time to time. The Commission has observed that some of them do not appear to be very conversant with the R.T.I. Act. With a view to properly equip them with the provisions of the Act, it is imperative on the part of the State Government to conduct and impart training to the officers and staff on a regular basis so that they do not face problems and put themselves and the Public Authorities in embarrassing position and it is recommend accordingly.

2. According to section-6 of the R.T.I. Act, 2005 an applicant can make his request either in English or in Hindi. It has come to the notice of the Commission that a good number of the R.T.I. applications written in Hindi, particularly those coming from outside the state were not responded in time as many of the officials are not conversant with Hindi language. Delay in sending the reply amounts to rejection of the application and this may result in penalties to the Public Information Officer.

With a view to solving this problem, the Commission, therefore, recommends that the Government appoint one Hindi translator, whose function is to assist the various Public Authorities in getting the application for RTI, written in Hindi, translated into English version for immediate necessary action by the concerned Public Authorities.

3. Implementation of the R.T.I. Act cannot be fully achieved unless the citizenry are aware of its aims and objectives, particularly the youth, who would be the future citizens of our state. In order to educate them right from the early stage, the Commission recommends that a chapter on R.T.I. Act be introduced in the Social Studies paper to be taught in schools at the secondary level, so that they are aware of the efforts for achieving accountability and transparency in the Administration.

Chapter – 10

Appendix

Important decisions of the Courts/Commissions/Orders/Circulars etc.

***IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Decision: 13.09.2013

W.P.(C) 3660/2012 & CM 7664/2012 (stay)

UNION OF INDIA

..... Petitioner

Through: Mr. Neeraj Chaudhari, CGSC, Mr. Akshay
Chandra and Mr. Ravjyot Singh, Advs.

Versus

VISHWAS BHAMBURKAR

..... Respondent

Through: respondent in person

CORAM:

HON'BLE MR. JUSTICE V.K. JAIN

JUDGMENT

V.K.JAIN, J. (ORAL)

The respondent filed an application on 14.5.2011 with the PIO in the Ministry of Tourism, PSW Division, seeking an authenticated photocopy along with the file notings of the Project Report for Development of Ayurvedic Health Resort and Herbal Garden at Vagamon, which was submitted by the Department of Tourism, Government of Kerala in December, 2005 and was bearing file number 426/D(CN) dated 20.02.2006.

2. In his reply, the PIO stated that the said project report had not been received in the Ministry of Tourism. Being dissatisfied with the reply furnished by the PIO, the respondent preferred an appeal before the First Appellate Authority. The following was the order passed by the First Appellate Authority:

“The nothing initials on the cover page of the Project Report produced by Shri Bhamburkar suggest that the Report was received in MOT. However, since it is only a photocopy, its authenticity cannot be taken for granted. CPIO & Asstt. DG (PSW) is directed to make a thorough search for the said Project Report and records pertaining to its receipt and movement in the Ministry. If

the Report is traced, its authenticated copy will be supplied by the CPIO to the applicant. If the Report is not traceable, but records are found which confirm that the Report was received in the MOT, a report may be lodged with Police regarding the missing documents. An intimation to this effect may then be conveyed to the applicant by the CPIO. In case neither the Project Report nor any records of its receipt in Ministry are available, the applicant may be so informed by the CPIO. Action has to be taken within 15 days.”

3. Being still dissatisfied, the respondent preferred a second appeal before the Central Information Commission. During the course of hearing before the Commission, the appellant produced a photocopy of a report purporting to be signed by Department of Tourism, Government of Kerala in December, 2005. The aforesaid report purported to be signed by various officials. The PIO confirmed that the signatures of the then Joint Secretary Mr. Amitabh Kant and Director Mrs. Leena Nandan. She, however, stated that there was no trace of the said Report in the Ministry nor any other relevant papers were available to indicate the presence of such a report. The Commission, therefore, directed Secretary, Ministry of Tourism to inquire into the matter and send his report to the appellant and the Commission. In this regard, the Commission observed that either the PIO or some other officer could be hiding the information or the report being submitted could be forged or it could be a conspiracy by which the report and all associated papers were taken away from the Government. Being aggrieved from the order of the Commission, the Union of India is before this Court by way of this writ petition.

4. Vide an interim order, this Court directed the petitioner to place on record the fact finding report of the Ministry of Tourism, Government of India and also directed that copy of the report be provided to the respondent. A perusal of the said report would show that the officer who conducted the said inquiry reported that there was no documentary record in the Ministry to show that the original report was received in the year 2006. He concluded beyond reasonable doubt that the original project documents on the subject matter was not available in the Ministry of Tourism. However, the said report does not indicate that any attempt was made to contact the then Joint Secretary (T) and Director (T) whose signatures on the photocopy of the report were admitted by the PIO before the Commission, to find out when, where, and in what circumstances they had signed the documents photocopy of which was produced before the Commission. In my view, it was incumbent upon the officer who conducted the inquiry into the matter to contact the above referred officers and inquire from them about the aforesaid report, before taking the final view in the matter. There is no

explanation at this stage as to why no such attempt was made. The impression which I get in these circumstances is that the petitioner somehow wants to avoid a proper inquiry in terms of the directions given by the Commission.

5. The learned counsel for the petitioner assailed the order of the Commission primarily on the ground that the Right to Information Act does not authorize the Commission to direct an inquiry of this nature by the department concern, though the Commission itself can make such an inquiry as it deems appropriate. Reference in this regard is made to the provisions contained in Section 19(8) of the Act. A careful perusal of sub section (8) of Section 19 would show that the Commission has the power to require the public authority to take any such steps as may be necessary to secure compliance with the provisions of the Act. Such steps could include the steps specified in clause (i) to (iv) but the sub-section does not exclude any other step which the Commission may deem necessary to secure compliance with the provisions of the Act. In other words, the steps enumerated in clause (i) to (iv) are inclusive and not exhaustive of the powers of the Commission in this regard.

6. The Right to Information Act is a progressive legislation aimed at providing, to the citizens, access to the information which before the said Act came into force could not be claimed as a matter of right. The intent behind enactment of the Act is to disclose the information to the maximum extent possible subject of course to certain safeguards and exemptions. Therefore, while interpreting the provisions of the Act, the Court needs to take a view which would advance the objectives behind enactment of the Act, instead of taking a restrictive and hyper-technical approach which would obstruct the flow of information to the citizens.

7. This can hardly be disputed that if certain information is available with a public authority, that information must necessarily be shared with the applicant under the Act unless such information is exempted from disclosure under one or more provisions of the Act. It is not uncommon in the government departments to evade disclosure of the information taking the standard plea that the information sought by the applicant is not available. Ordinarily, the information which at some point of time or the other was available in the records of the government, should continue to be available with the concerned department unless it has been destroyed in accordance with the rules framed by that department for destruction of old record. Therefore, whenever an information is sought and it is not readily available, a thorough attempt needs to be made to search and locate the information wherever it may be available. It is only in a case where despite a thorough search and inquiry made by the responsible officer, it is concluded that the information sought by the applicant cannot be

traced or was never available with the government or has been destroyed in accordance with the rules of the concerned department that the CPIO/PIO would be justified in expressing his inability to provide the desired information. Even in the case where it is found that the desired information though available in the record of the government at some point of time, cannot be traced despite best efforts made in this regard, the department concerned must necessarily fix the responsibility for the loss of the record and take appropriate departmental action against the officers/officials responsible for loss of the record. Unless such a course of action is adopted, it would be possible for any department/office, to deny the information which otherwise is not exempted from disclosure, wherever the said department/office finds it inconvenient to bring such information into public domain, and that in turn, would necessarily defeat the very objective behind enactment of the Right to Information Act.

8. Since the Commission has the power to direct disclosure of information provided, it is not exempted from such disclosure, it would also have the jurisdiction to direct an inquiry into the matter wherever it is claimed by the PIO/CPIO that the information sought by the applicant is not traceable/readily traceable/currently traceable. Even in a case where the PIO/CPIO takes a plea that the information sought by the applicant was never available with the government but, the Commission on the basis of the material available to it forms a prima facie opinion that the said information was in fact available with the government, it would be justified in directing an inquiry by a responsible officer of the department/office concerned, to again look into the matter rather deeply and verify whether such an information was actually available in the records of the government at some point of time or not. After all, it is quite possible that the required information may be located if a thorough search is made in which event, it could be possible to supply it to the applicant. Fear of disciplinary action, against the person responsible for loss of the information, will also work as a deterrence against the willful suppression of the information, by vested interests. It would also be open to the Commission, to make an inquiry itself instead of directing an inquiry by the department/office concerned. Whether in a particular case, an inquiry ought to be made by the Commission or by the officer of the department/office concerned is a matter to be decided by the Commission in the facts and circumstances of each such case.

9. In the case before this Court, as noted earlier, the PIO, who appeared before the Commission and admitted that the photocopy of the report made available to the Commission was signed by the concerned Joint Secretary and Director at the relevant time. Prima facie, they would have signed the documents only if they had received either the original report on its copy. The endorsement made on the cover of the documents would show that the

report/copy on which endorsement was made was signed by the Secretary, Tourism, Government of Kerala. Had a thorough inquiry been made by inquiring from the concerned officer to find out as to where, when and in what circumstances they had signed the documents, it could have been possible to locate the report in the records of the government.

10. For the reasons stated hereinabove, I find no merit in the writ petition and the same is hereby dismissed. The interim order dated 1.6.2012 stands vacated. In my view, the inquiry conducted by the petitioner in compliance of the order passed by the Commission on 17.4.2012 was not at all satisfactory. It is, therefore, directed that a thorough and meaningful inquiry in terms of the provisions of the directions of the Commission be carried out by an officer not below the rank of a Joint Secretary to the Government within eight weeks from today and a copy each of the said report shall be provided to the Commission as well as to the respondent before this Court.

11. The petitioners are directed to circulate a copy of this order to all the CPIOs/PIOs of the Government of India and other Public Authorities, within four weeks for information and guidance.

There shall be no orders as to costs.

V.K.JAIN, J

SEPTEMBER 13, 2013/ rd

Some important provisions on the Right to Information Act, 2005.

1. The Right to Information Act, 2005, is a very powerful instrument, which empowers the citizens to seek information from the Government as a matter of right.
2. Any person desiring to seek information may file an application addresses to the Public Information Officer of the concerned public authority together with the prescribed application fee of `10.00 in cash or demand draft or an Indian Postal Order and submit it to the PIO or the Assistant PIO. Reasons for seeking information need not be given.. (Section 6).
3. The PIO is required to provide the information to the applicant within thirty days from the date of receipt of the application. If he fails, it shall be deemed to have refused and he is liable for penalty. Any information concerns life and liberty of a person, the information should be provided within forty eight hours. (Section 7).
4. The applicant may also be required to pay a fees toward the cost of providing the information as prescribed by the Right to Information (Regulation of Fee and Cost) Rules, 2005.
5. Any applicant who does not receive the information within the time prescribed by the Act, or who is aggrieved by the decision of the Public Information Officer, may within thirty days prefer an appeal to the Departmental Appellate Authority (DAA) (Section 19). Any person who does not receive a decision or who is aggrieved by the decision fo the Departmental Appellate Authority (DAA) within thirty days may prefer within ninety days a second appeal to the State Information Commission (Section 19(3)).
6. A complaint can also be filed to the State Information Commission, if a person is unable to submit the application due to the fact that no Public Information Officer has been appointed by the Public authority or who has been refused to provide the information or who has not been given the response to a request for information within the time limit or who has been given incomplete or false information or in respect of any matter relating to requesting or obtaining access to records under this Act. (Section 18).
7. Any PIO who without reasonable cause refused to receive, provided or malafidely denied or knowingly give incorrect, incomplete or misleading or destroyed information is liable for a Penalty of `250/- per day subject to a maximum of `25,000/- . In addition the Commission may also recommend a Disciplinary action against him. (Section 20).