

**MEGHALAYA INFORMATION COMMISSION, SHILLONG**

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**Case. No. MIC/Appeal/17/2015/27**

Shri Phamles Syiemlieh, South West Khasi Hills - Appellant

-Vrs-

1. PIO, Maharam Syiemship, South West Khasi Hills }  
2. FAA, , Khasi Hills Autonomous District Council, Shillong } Respondents

**ORDER**

**24-11-2015** Case records put up today.

The Complainant, Shri Phamles Syiemlieh is absent. The then Respondent PIO, Shri Blossdingwell Wanniang is present.

Briefly, the fact of the case is that, Shri Phamles Syiemlieh had submitted an application under RTI to the PIO of the Maharam Syiemship on 23-2-2015. He did not receive any information. Thereafter, he filed an Appeal before the First Appellate Authority (FAA) & Joint Secretary, Khasi Hills Autonomous District Council (KHADC), Shillong. The FAA & Joint Secretary, KHADC after due hearing passed an order on 4-6-2015, that the Respondent PIO, Shri Blossdingwell Wanniang, should furnish the information within 15 days of the receipt of the order. The Respondent PIO instead of furnishing the information issued a letter vide No. MS/RTI/15/522 Dt. 13-6-2015, asking the applicant to deposit an amount of ₹ 18,000/- for collection of the information as requested by him, being the cost of collection of the information. The matter was again brought to the notice of the FAA & Joint Secretary, KHADC, who vide an order dated 30-6-2015, directed the PIO Maharam Syiemship to furnish the requisite information free of cost within 7 days of the receipt of the order. Thereafter, the FAA & Joint Secretary received a letter from Shri Blossdingwell Wanniang, PIO Maharam Syiemship that he had resigned from the post of PIO with effect from 4<sup>th</sup> July, 2015. This was confirmed by a letter from the syiem of Hima Maharam, Dt 13-7-2015, which was an intimation to the FAA stating that due to the bereavement of a member of the family, the information could not be furnished and appointing a new PIO is in process and the information shall be supplied immediately on appointment of the new PIO. Left with no other option, Shri Phamles Syiemlieh, the applicant, submitted a complaint before this Commission. Under the circumstances the Commission accept the petition and issued a show cause to the then PIO, Shri Blossdingwell Wanniang, asking him to show cause as to why action should not be taken against him for willful violation of the provisions of the RTI Act 2005, on 2-11-2015.

The then Respondent PIO, Shri Blossdingwell Wanniang in his submission today stated that though it was a fact that he was appointed as PIO of the Maharam Syiemship, he did not know what his duties and responsibilities are. He further informed that he was persuaded by the Syiem to accept the appointment and, therefore, he had accepted the responsibilities. Under the circumstances, he pleaded that he may be exonerated of the charges of any action under the provisions of the RTI Act, 2005.

The Commission perused the records and documents and is not convinced with his arguments that he did not understand the responsibility as a PIO. This was implied from the fact that after the direction of the FAA on 4-6-2015, instead of complying with the orders, he issued a letter to the applicant on 13<sup>th</sup> June, 2015, asking him to deposit an amount of ₹ 18,000/-, which shows that he is aware that the information is available and would have been given to the applicant had he deposited an amount of ₹ 18,000/-. In fact the provisions of the RTI Act, 2005, and the Meghalaya Right to Information (Regulation of Fee and Cost) Rules, 2005, clearly provide that duties and responsibilities of the PIO is just to find out the information and the cost of photo coping etc is to be borne by the applicant. In view thereof, the Commission found that the then Respondent PIO, Shri Blossdingwell Wanniang of the Maharam Syiemship has willfully violated the provisions of the RTI Act, 2005, by not furnishing whatever information available with the Syiemship to the applicant for more than 100 days and he is therefore liable to be penalized. Under the powers conferred on the Commission under section 20 of the RTI Act 2005, a Penalty of ₹ 25,000/- (Rupees twenty five thousand) for his failure to furnish the information for more than 100 days @ ₹ 250/- per day w.e.f. 23-3-2015 the date the information is due, to 15-9-2015, the date of complaint. He is required to deposit the above amount by Treasury Challan to the State Bank of India at Mawkyrwat 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.

The Syiem of Hima Maharam is also directed to appoint a PIO immediately, if not already done, and steps should be taken to furnish whatever information available to the applicant free of cost within **45 days** of the date of issue of this order.

Fix **15<sup>th</sup> January, 2016** for compliance.

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

**Memo. No. MIC/Appeal/17/2015/27-A Dated Shillong, the 24<sup>th</sup> November, 2015**

Copy forwarded to:-

1. Shri R.S.Wanniang, First Appellate Authority viz., the Joint Secretary, Khasi Hills Autonomous District Council, Shillong for information.
2. Shri Niandro Syiemiong, Syiem of Maharam, Maharam Syiemship, Mawkyrwat, South West Khasi Hills District, for information and necessary action.
3. Shri Blossdingwell Wanniang, the then Public Information Officer, Maharam Syiemship, Mawkyrwat, South West Khasi Hills District, for information and necessary action.
4. Shri Phamles Syiemlieh, Joint Secretary, Kur Syiemlieh, Maharam Syiemship, C/o Mawthong, P.O. Mawkyrwat, South West Khasi Hills District, Meghalaya. Phone 8575746888

**( C.C.M.Mihsil )**  
Secretary,  
Meghalaya Information Commission.