

**GOVERNMENT OF MEGHALAYA
OFFICE OF THE STATE INFORMATION COMMISSION,
MEGHALAYA::::SHILLONG**

No.MIC/Complaint/12/2008/10

...
Dated Shillong, the 27th March, 2008

ORDER

27-3-2008 The PIO, KHADC is present in the Commission today accompanied by Miss L.Khiangte, Advocate. The Complainant is, however, not present. Heard the PIO, who informed the Commission that he has already written letters to the Syiem of Nongspung who holds the information to furnish the same to the Council for supplying the same to the Complainant; however, the Syiem of Nongspung did not response in spite of repeated requests. The PIO therefore, expressed helplessness as the information requested for is not available with him.

He further informed the Commission that the KHADC has been considering seriously the earlier Orders of this Commission in Appeal No.MIC/28/2006/34 dated 19-2-2007 – B.Ora, Secretary, Shella Village Dorbar – Versus – The Appellate Authority of KHADC and is yet to come to a firm decision on the matter.

This Commission vide Order dated 19-2-2007 in the above noted case had required the Public Authority of the KHADC to take certain steps to secure compliance with the provisions of the RTI Act and one of such steps is the involvement of the Chiefs and the Deputy Chiefs of the Elakas under the control of the Public Authority to facilitate collection and dissemination of information available with them or with the Village authorities under their control, by appointing them as PIOs/APIOs of their respective Elakas or in any other manner considered most effective.

The Commission viewed with concern the delay on the part of the concerned Public Authority to take appropriate steps as a result of which the Public Authority has landed up itself in the problem of not being able to implement the provision of the Act in the instant case.

The Commission reiterated its earlier Orders and required that the Public Authority of the KHADC take appropriate steps immediately within a period of 30 days from the date of this Order and a compliance report be sent to this Commission.

In the instant case, it appears that the Syiem of Nongspung who is under the administrative control of the KHADC has not responded to the request for assistance sought by the PIO of the Council. Since, such action on the part of the Syiem of Nongspung amounts to contravention of the provision of the RTI Act, the PIO/Public Authority should have taken recourse to Section 5 (5) of the RTI Act making him deemed PIO as provided therein and transfer the original application for information to the deemed PIO for necessary action.

Let the PIO/Public Authority take appropriate action with intimation to the Commission.

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

Memo. No. MIC/Complaint/12/2008/10-A

Dated Shillong, the 27th March, 2008

Copy to:-

1. The Secretary, Khasi Hills Autonomous District Council, Shillong
2. The PIO, Khasi Hills Autonomous District Council, Shillong
3. The Syiem of Nongspung Syiemship, P.O. Nongspung
4. Shri Evanzir Warjri, Mawkneng (Marok) P.O. Mawphlang – 793121 via Madan Bitaw Wahlang (Mobile) – 9856705782.

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