

MEGHALAYA INFORMATION COMMISSION

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Complaint No. MIC./Complaint/32/2008/

Shri Donlang Nongbri, Vice President, War Mihngi Youth Union – Complainant

- Vrs -

Smti V.Syiem, P.I.O., Project Director, D.R.D.A., East Khasi Hills – Respondent

ORDER

7-5-2008:

- The Complainant filed the complaint before the Commission on 15-4-2008, it was registered as Complaint No. MIC./Complaint/32/2008 on 15-4-2008. The facts leading to the complaint is summarized as follows:
2. The Complainant, Shri Donlang Nongbri, Vice President, War Mihngi Youth Union made a request in writing on 29-2-2008 to the Respondent, Smti V.Syiem, P.I.O., office of the Deputy Commissioner, East Khasi Hills, Shillong to provide him the information on 23 points regarding implementation of the MLA Schemes such as ISYDP, CRRP, IACDP, DTFM etc for the period from 2003 upto 2007; for the 27 - Langkyrdem Assembly Constituency. The requester/complainant clearly mentioned in his application that, before taking copies of the documents, he would like to inspect the original documents/files.
 3. On 3-4-2008 other person Shri Amostar Nongknaw, General Secretary, War Mihngi Youth Union wrote to the P.I.O. to allow inspection of files/documents before taking copies of the same. In response, the P.I.O. viz., the Addl. Deputy Commissioner, Shillong in-charge D.R.D.A., East Khasi Hills verbally informed the Complainant that there are three C.D. Blocks under Langkyrdem Assembly Constituency and that the Complainant may inspect the records/files etc., in the office of the respective B.D.O.s. The Complainant felt that such action on the part of the P.I.O. amounts to refusal to provide the information requested. Hence, this complaint before the Commission.
 4. The Commission having scrutinized the complaint registered the Complaint Case because there was apparent delay on the face of the record. The P.I.O. was summoned and she appeared before the Commission on 7-5-2008 the date fixed for hearing the case. The Complainant was absent during the hearing though he was informed of the date for hearing.
 5. According to the P.I.O. most of the information sought for are not under her custody but under the custody of the B.D.O.s of the respective C.D.Blocks. However, the information were made ready for supply to the Complainant. However, since the Complainant wanted to inspect the original records/files etc, the information could not be delivered to him. According to the P.I.O. since the

Registers, Cash Books, and the other files are current documents and they are being constantly required in the office of the respective B.D.O.s viz., the BDO, Pynursla, the BDO, Khadarshnong and the BDO, Mawkynrew, to deal with matters pertaining to Assembly Questions as the Meghalaya Legislative Assembly was then in Session and also the closing of the financial year on 31-3-2007, it has not been possible to collect such documents and bring them to the office of the P.I.O. without disturbing the process of work, especially matters dealing with Assembly Questions etc. Therefore, she had requested the Complainant to make the inspection in the respective offices of the B.D.O.s who are A.P.I.O.s and she would make all necessary arrangements for it.

6. The issues before the Commission are, therefore, the following:-
 - (i) Whether there has been a refusal of the information to the Complainant.
 - (ii) Whether there has been any delay.
 - (iii) Amount of penalty/compensation to be awarded.
7. Under the provision of Section 2 (j) of the R.T.I. Act, the right to information includes inspection of documents/records. Section 7(1) of the Act enjoins upon the P.I.O. the legal responsibility of providing the information to the requester. It therefore, follows that the facilities for inspection of records/files should also be made available at the office of the P.I.O. except in special circumstances where the objects/materials for inspection happens to be an immovable asset or materials which are not easily movable/ transportable. Hence, the Complainant has a right to insist that inspection of records/documents should take place in the office of the P.I.O. Failure of the P.I.O. to provide such facilities to the Complainant amount to refusal of the information sought.
8. The application for information dated 29-2-2008 was received by the P.I.O. on 29-2-2008 from which date the period of 30 days begins and expired on 30-3-2008. The complaint was received in the Commission on 15-4-2008. Hence, there is a delay of 14 days between the period of expiry the statutory period of 30 days and the date of complaint made before the Commission.
9. The delay was tried to be explained by the P.I.O. and the reasons stated by her are very valid and appealing. It was stated that Meghalaya State Legislative Assembly was in Session from 19-3-2008 to 25-4-2008 and that the Govt. records held by Public Authority being current records are necessary for retention by respective offices of the B.D.O.s to deal with Assembly Questions, Motions, etc. Other reasons being the fact that the financial year is drawing to be closed and most of the records and registers have to be constantly used by the B.D.O.s and could not be removed without causing dis-location of official transactions in respective offices of the B.D.O.'s. All these facts are relevant and very valid; however, the R.T.I. Act do not take into account such facts for delay or refusal of information except those circumstances falling under Section 8 of the Act. Those grounds alone can be accounted for exonerating the P.I.O. for imposing any penalty. However, considering the fact that the materials for reply have been made ready

by the P.I.O. and only the act of inspecting of the original documents as desired by the Complainant had caused the delay, the Commission considered as sufficient grounds to show some leniency to the P.I.O. in the instant case.

10. The Commission therefore decided that the P.I.O., Smti V.Syiem shall collect all relevant records from the office of the B.D.O.s concerned and afford the Complainant inspection of documents/files etc. in her office within a period of 10 days from the date of this Order and the information requested be furnished within 2(two) days, free of cost, thereafter, and a Report of compliance be furnished to this Commission on or before the **20th May, 2008**.

The complaint petition is disposed of as above.

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

Memo No.MIC/Complaint/1/2008/

Dated Shillong, the 7th May, 2008

Copy forwarded to:-

1. The P.I.O., viz., the Project Director, D.R.D.A., East Khasi Hills, Shillong.
2. Shri Donlang Nongbri, Vice President, WAR MIHNGI YOUH UNION, (Mobile) 98632-52407 & 98564-11450.

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