

**MEGHALAYA STATE INFORMATION COMMISSION,
SHILLONG**

...

No. MIC/Complaint/77/2008/13,

Shri L.Kharbani of Mynsain Village, BPO Lyngkhoi - Complainant

-Vrs-

Shri P.Khiewtam, R.O.,/O/o C.E., PWD (Roads), Meghalaya,
Shillong – PIO - Respondent

12-3-2009

ORDER

The Complainant in this case is one Shri L.Kharbani of East Khasi Hills District. The case of the Complainant is that vide his application dated 19-9-2008 he filed an RTI application before Shri N.Anand, Chief Engineer (Standard), PWD (Roads) and P.I.O., PMGSY, Meghalaya, Shillong along with the requisite application fee of Rs.10/-. The RTI application was received by the said officer on the same day. On expiry of the statutory period of 30 days, the Complainant had approached the office of the Respondent-PIO but was given to understand by the office that the information was not ready. On 23-10-2008 he again visited the office of the Respondent-PIO to collect the information but was again responded that the information was not ready.

Failing to receive the information he requested, the Complainant had filed the instant Complaint before the Commission on 24-11-2008 and was received in the Commission on 27-11-2008.

During the enquiry the following facts emerged:

- (i) The Chief Engineer (Standard), PWD (Roads), Meghalaya, Shillong is not the PIO hence the Complainant had not made the correct address of his application.
- (ii) Even then the RTI application has been transferred to the correct PIO viz., the Research Officer, O/o the C.E., PWD (Roads), Meghalaya, Shillong.

(iii) On 27-11-2008 vide letter No.PWD/CE/RD/PMGSY/13/2006/82, the PIO has responded to the Complainant requesting him to collect the information on payment of an amount of Rs.1638/- being the cost of copies. The information was duly received by the Complainant on 1-12-2008 free of cost, after the Commission had issued a show cause to him.

The statutory period of 30 days ended on 19-10-2008. The PIO furnished the information on 27-11-2008. There is therefore, a delay of 38 days from 19-10-2008 to 27-11-2008, besides further information which was subsequently furnished on direction by the Commission.

In his show cause, the PIO has stated that the delay had occurred due to the fact that the information requested by the Complainant is not held by him. The necessary information is in fact held by the Executive Engineers in-charge of the Divisions in which the scheme is located. He had therefore, to call for the information from them and only on receipt of the information from them he could furnish the same to the Complainant. This is the main reason of the delay and the other reason shown was that the Complainant has not applied to him directly as PIO and therefore it had taken sometime for the application to be received by him as PIO.

He also submitted before the Commission that under the existing scheme of things the Research Officer o/o the C.E., PWD, Shillong has been made PIO over the entire PMGSY scheme in the State. Considering the fact that the implementing officers of the scheme who generate and hold information are the various officers in-charge of Divisions spreading over the entire State; it will not be an easy task for the PIO to furnish the information on matters relating to PMGSY in time. He further submitted that he has already taken up with the Department of P.W.D. (Roads) to decentralize the system making each Executive Engineers implementing PMGSY scheme, who are already PIOs on their own right, to also function as PIO for PMGSY scheme. He produced necessary documents to prove the action taken by him.

Having examined the matter in details, the Commission is inclined to agree with the PIO that it is humanly impossible to avoid delay under the existing centralized

system of functioning of PIO for PMGSY scheme of the P.W.D. (Roads) Department. It is therefore, more of a system failure which hinders him from discharging his functions as PIO effectively than his personal failure.

In view of the above, the Commission accepted the show cause of the PIO and did hold him personally liable for the delay. The Commission also recommends to the concerned Department to decentralize the process of catering information to the information seekers for PMGSY and for all other schemes implemented by the Department. Should the Department considers otherwise, the Respondent-PIO is at liberty to deem PIOs all the officers who hold the information and from whom assistance has been sought, as provided under section 5(5) of the RTI Act.

Case disposed of.

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

Memo. No. MIC/Complaint/77/2008/13-A Dated Shillong, the 12th March, 2009
Copy to:-

1. R.O./O/o C.E., PWD (Roads), Meghalaya, Shillong – PIO.
2. Shri L.Kharbani, Village Mynsain, BPO Lyngkhoi (Mobile – 9856955456)

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