

MEGHALAYA INFORMATION COMMISSION, SHILLONG

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No.MIC/Appeal/102/2009/38.

Shri Smek Marboh of Lawsohtun, Shillong & Ors. - Appellants

-Vrs-

(1)Shri R.Wanniang, D.A.A., K.H.A.D.C., Shillong
(2)Shri P.Kharshiing, P.I.O., K.H.A.D.C., Shillong } Respondents

10-12-2009

ORDER

The Respondent-DAA and the appellants are present in the Commission today. Having perused the second appeal, this Commission vide Order dated 5-11-2009 noted that the public authority had failed to furnish satisfactory specific information to the appellants and required a detail statement of facts from the Respondent-DAA. The Respondent-DAA filed a detail report stating the fact of the matter as required. According to him, the information sought by the appellants from the P.I.O. relates to the affairs of Khyrim Syiemship. The first appeal before him arose out of the fact that the P.I.O. did not hold the information required and Syiem of Khyrim who is supposed to hold the information could not provide the same to the P.I.O. within the statutory period. That during the course of hearing on 18-8-2009 the Syiem of Khyrim submitted before him certain information and the same was delivered and received by the appellants. The documents furnished to the appellants are as follows:

1. Letter No. KS.7/TYNRING 6-Kyntoit/2008/241-242 dated 17-8-2009 explaining the customary practices prevailing in the Khyrim Syiemship in so far as constitution of the Raid and appointment of Sordar Raid and Sordar Shnat Raid is concerned.

2. Copy of Sanad No. 7 Dt. 16-3-2009 issued to Shri C.Aiom Diengdoh as Sordar Shnat Raid Tynring.
3. Copy of Order of the Syiem of Khyrim No. KS.8/Misc.Admn/2000-01/88-93 Dt. Smit the 25th April, 2003 in the matter of administration of Tynring.
4. Copy of list of village Courts under Khyrim Syiemship (Raid Nongkrem).
5. Copy of Sanad No.27 Dt. 27-8-1993 issued to Shri Dwit Nongrum as Sordar of Tynring.
6. Copy of Sanad No. 5 Dt. 21-3-2009 issued to Shri Dwit Nongrum as Sordar Raid Tynring.

Finding that the information so furnished was not satisfactory, the case was finally heard by the D.A.A. on 30-9-2009. During the hearing the Syiem of Khyrim categorically stated that the information as requested by the appellants pertaining mostly to customs, practices, and convention and that the Syiem has no other information than what has been provided earlier. Since the appellants could not provide evidence that the information claimed by them exist and since all other options are exhausted the D.A.A. held that there is no withholding of information and the matter was disposed of by him accordingly.

Heard the appellants who submitted that through the original R.T.I. application filed on 1-6-2009 before the P.I.O., KHADC, they have requested for the following information:

- (1) Decision for choosing/confirming of Sordar Shnong Tynring.
- (2) Decision for choosing/confirming of Sordar Raid Tynring.
- (3) Decision for choosing/confirming of Sordar Shnad Raid Tynring.
- (4) Sanad issued to Sordar Shnong Tynring.
- (5) Sanad issued to Sordar Raid Tynring.
- (6) Sanad issued to Sordar Shnad Raid Tynring.
- (7) List of villages which took part in the elction/selection of Sordar Shnong, Sordar Raid, Sordar Raid Shnad, Tynring.

- (8) Name and signatures of the electors for Sordar Shnong, Sordar Raid, Sordar Raid Shnad, Tynring.
- (9) All letters issued by Sordar Shnong, Sordar Raid, Sordar Raid Shnad, to the villages of Nongkseh, Lumdiengngan, Kyrtong, Mawkduk, Wahumjalur, Mawkynring.

The appellants further submitted that copies of Sanads for the year 1999/2000/2009 issued to the Sordar Shnong Tynring, Sordar Raid, Sordar Raid Shnad, Tynring respectively were furnished by the public authority though they have requested for the same documents from 1988 to 2009. The appellants further stated that the copy of the Sanad received appears to be of recent creation and they have not been allowed to inspect the copies though they have requested in their application. The appellants did not accept non-existence of recorded documents relating to such important events such of choosing of Sordar etc. before the Sanad are issued by the office of the Syiem of Khyrim. It is also alleged by the appellants that failure to provide any documents on item No. 9 of the original R.T.I. application amounts to denial of information as they have evidence to show that documents do exist which evidence are appended with the appeal petition.

Having heard both the parties, the Commission make the following observations/decisions:

- (1) It is learnt from the appellants themselves that choosing of Sordar Shnong, Sordar Raid, Sordar Shnad Raid is done by the village people themselves and there is no elaborate election involving the Syiem. According to them the procedure followed is that the village Dorbar chooses their own functionaries and recommend to the Syiem for issue of Sanad as Sordar Shnong, Sordar Raid, or Sordar Shnad Raid, Tynring. It is, therefore, obvious that it is not the decision of the Syiem to select and appoint the Sordar Shnong, Sordar Raid, Sordar Raid Shnad. That being the case, more specific way of asking the

information is to request for copies of recommendation made by the village Dorbar for issuing of Sanads to such functionaries. The statement made by the public authority that such information does not exist cannot be said to be wrong as such decision do not originate from the office of the Syiem of Khyrim. The appellants may approach the public authority with fresh R.T.I. application seeking specific information.

- (2) The public authority has furnished three Sanads issued by the Syiem of Khyrim (i) to Sordar Shnong Tynring, dated 27-8-1993, (ii) to Shri Dwit Nongrum as Sordar Raid, Tynring, dated 21-3-2000, (iii) to Shri C.Aiom Diengdoh as Sordar Shnad Raid Tynring, dated 16-3-2009.

The appellants had no idea of the number of occasions that such Sanads might have been issued by the Syiem of Khyrim from 1988 to 2009. On the other hand, except the Sanad issued to the Sordar Shnong Tynring which has a regular tenure of five years, other functionaries has no fixed tenure of office so long the people of the Raid or Shnad Raid have confidence in them. Since Sanads for three functionaries of three different years have been furnished by the Syiem of Khyrim through the D.A.A., there is no reason to believe that other Sanads exist and being denied to the appellants. On the other hand there is reason to believe that such Sanads may not have been issued in large number as the tenure for holding office by the functionaries are not always fixed. The claim of denial of right to inspection of original documents is not tenable as the original R.T.I. application did not contain such request.

- (3) Since the Syiem of Khyrim categorically stated that no further information exists from his part apart from what has been furnished and the appellants has no evidence to show the existence of the list of villages for electing/selecting Sordar Shnong/Sordar Raid, Sordar Shnad Tynring, the Commission accepted the statement of the D.A.A. that such list do not exist. The same applies to the information sought at item No. 8 of the original R.T.I. application. Regarding

the information sought at item 9 of the original application, sincere the activities of the Sordar Shnong, Sordar Raid, Sordar Shnad Raid do not fall within the purview of the R.T.I. Act, letter written by them to the villages under their control are not in the public domain. Though some copies might have been endorsed to the Syiem of Khyrim by them they do not seem to carry any mark of receipt by the Syiem of Khyrim. According to the D.A.A., most of the traditional institutions do not have infrastructure for maintaining a proper office and hence maintenance of records. While appreciating the view expressed by the D.A.A. the Commission feel that being part of the public authority, it is the duty of the public authority concerned to ensure that the traditional institutions under their control take necessary steps for proper maintenance of their official records and other R.T.I. activities.

Case disposed of.

(G.P.Wahlang)

C.I.C.

Memo.No.MIC/Appeal/102/2009/38-A

Dated Shillong, the 10th December, 2009

Copy to:-

- (1) Shri R.Wanniang, D.A.A. Khasi Hills Autonomous District Council, Shillong.
- (2) Shri P.Kharshiing, P.I.O., Khasi Hills Autonomous District Council, Shillong.
- (3) Shri Smek Marboh, C/o Agnes Lynshiang, Block – I, Lawsohtun, Shillong – 4, Phone – 9856003173.

(S.F.Khongwir)

Secretary,

Meghalaya Information Commission,
Shillong.