

**MEGHALAYA INFORMATION COMMISSION, SHILLONG**

...

**No.MIC/Complaint/113/2009/28,**

Shri C.S.Singh, Limbu Compound, Barapathar, Shillong - Complainant

-Vrs-

Deputy Inspector of Schools, Shillong ( P.I.O.) - Respondent

**2-12-2009**

**ORDER**

Both the Respondent-PIO and the complainant are present in the Commission today.

Heard the PIO who submitted that the information furnished by her to the complainant is based on materials furnished by the school authority as she has no information in her custody. She, therefore, believed that the materials information on item 1 & 2 do not exist. Regarding information at Sl. 3, she submitted that since the complainant did not specify the nature of copy required, she had furnished him the extract copy duly certified by the school authority and she has no intention on her part to provide wrong information to the complainant.

The complainant submitted that since some information at item No. 3 exist it is contradictory to say that information at Sl. 1 & 2 do not exist. He also submitted that he had sought this information from the P.I.O. under section 4 (d) of the R.T.I. Act and it is for the P.I.O. to justify non-existence of information.

Having heard both the parties, the Commission made the following observations and decision:

- (1) The complainant appeared to have filed his R.T.I. application quoting section 4 (d) of the R.T.I. Act. Section 4 of the R.T.I. Act casts certain obligations upon the public authority to perform so that certain information are made available to the citizens without being asked. For example, under Section 4 (d) the Law enjoins upon every public authority to 'provide reasons for its administrative or quasi-judicial decisions to affect persons'. If the Public Authority fails to comply with such mandatory requirement, the P.I.O. cannot

be held responsible under the Law. In the instant case, there is no material information under the custody of the public authority relating to consideration/discussion/proceedings which took place in the Managing Committee leading to a decision/resolution to dismiss a school teacher from service, and, the provision of section 4(d) of the R.T.I. Act has been brushed aside by the School Managing Committee/ Public Authority. This is a serious matter which the concerned Public Authority has to address itself immediately.

The concerned Public Authority, namely, the Directorate of Elementary & Mass Education, Govt. of Meghalaya is hereby required to take immediate steps to make necessary changes to its practice in relation to maintenance and management of records of all schools and institution under its public authority so as to secure compliance with the provisions of Law.

- (2) The P.I.O. has furnished an extract copy of the information at item No. 3 which has not been signed by the competent authority.

Let the P.I.O. furnished Xeroxed copy bearing full signature of the President of the School duly certified to be correct copy of the original, within 10 days from the date of this Order with intimation to this Commission.

Case disposed of.

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

**Memo.No.MIC/Complaint/113/2009/28-A Dated Shillong, the 2<sup>nd</sup> December, 2009**

Copy to:-

- (1) The Director, Elementary & Mass Education, Govt. of Meghalaya, Shillong for information and necessary action.
- (2) The Deputy Inspector of Schools, East Khasi Hills, Shillong & P.I.O. for information and necessary action.
- (3) Shri C.S. Singh, C/o Limbu Compound, Barapathar, Shillong – 2.

**( S.F.Khongwir )**  
Secretary,  
Meghalaya Information Commission,  
Shillong.