

MEGHALAYA INFORMATION COMMISSION, SHILLONG

....

Case. No. MIC/Appeal/47/2008/7

Shri S.Sunar of Bishnupur, Shillong

- Appellant

-Vrs-

1. The Headmaster, Madan Laban Nepali Secondary School,
Shillong - PIO
2. The Inspector of Schools, East Khasi Hills, Shillong -DAA

Respondents

ORDER

24-7-2008:

The appellant in this case is Shri S. Sunar of Bishnupur, Shillong. His appeal dated 8-7-2008 was received in the Commission on the same day. The appellant has filed the instant appeal before the Commission not against any Order or decision made by the PIO/DAA but for failure on the part of the PIO/DAA to treat the information sought by him as one which concerns his life or liberty as provided U/S 7(1) of the RTI Act, 2005.

2. According to the appellant, he had filed an application under RTI Act before the respondent No.1 (PIO) on 6-6-2008 requesting him to furnish it within 48 hours as provided U/S 7(1) of the Act as it concerns his life or liberty. Failing to receive the information in time, he had filed the first appeal with the DAA viz., respondent No. 2 on 17-6-2008. And failing to receive any decision by respondent No.2 he had to prefer the instant second appeal before this Commission on 8-7-2008.

3. The Commission had a detailed and meticulous examination of the appeal petition to determine the nature of the information sought and its bearing on the life or liberty of the appellant and observed as follows:

(i) An extract of the relevant portion of the RTI application dated 6-6-2008 read as follows:

“Now my questions are as follows:

(1) What was the reason for my termination from service?

(2) Why not a single Show Cause or explanation was called for before terminating me from service? How far it is justified? Please clarify.

(3) How did the M/C overlooked the very fact that I was/is an approved member of the M/C? And my membership as Teachers’ Rep is still in force and is still being approved by the Inspector of Schools? Then, how did the M/C acted beyond its jurisdiction? Did the M/C took due approval of the Inspector of School before issuing the said termination letter? If so, why not intimated to me?

(4) Was my membership already removed or cancelled? If so, under what ground? And why not intimated to me? If intimated, please supply a copy of such information as proof.

(5) The said termination letter stated that the decision was taken by the M/C. Why I was not called for the M/C meeting when I was very much a member of it?

(6) Kindly supply the certify true copy of the resolution passed by the M/C in which the decision to terminate my service was taken.

(7) Also supply the orders/instructions/by laws by which membership to the M/C can be availed and also the by laws by which a member of M/C may be removed.

(8) Will the M/C term its termination letter in question as ILLEGAL? And will it be withdrawn? If not, why? If yes, within how many days?

(ii) The terms “information” is defined U/S 2(f) of the RTI Act, 2005. It means “any material in any form, including records, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority”. And the law confers upon the citizens of India the right of access to the above information which is held by or under the control of any public authority. Therefore the nature of information as defined under the law are specific pieces of information held by or already available with the public authority and not information that is to be deducted or inferred or worked out by the PIO.

(iii) In the light of the above definition of the term “information” as defined under the RTI Act, it is quite clear that most of the things sought for by the appellant in his RTI application dated 6-6-2008 are not in the nature of “Information” as contemplated under the RTI Act. Except the things at Sl. 6 and Sl. 7 of the application, the rest can be termed as queries and clarifications. As a matter of fact, judged by the language of his application, the appellant has been asking questions, not seeking information. The RTI Act does not envisage answering questions/queries/clarifications of the requester. The requester can not expect the PIO to take action to answer the queries. What is contemplated under the Act is to provide the information as held or already available with the public authority at the time of making the request. The Act does not call for redressal of complaints or taking action to satisfy the requester.

4. In the light of the above observation of the nature of information sought, the Commission finds no merit in the appeal to warrant intervention by this Commission at this stage.

The appeal petition is dismissed.

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

Memo. No. MIC/Appeal/47/2008/7-A

Dated Shillong, the 24th July, 2008

Copy forwarded to:-

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2. The PIO viz., the Headmaster, Madan Laban Nepali Secondary School, Shillong.
3. The D.A.A viz., the Inspector of Schools, East Khasi Hills, Shillong.

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