

MEGHALAYA INFORMATION COMMISSION, SHILLONG

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No. MIC/Complaint/108/2009/11,

Shri James R. Marak and Ors, Dakopgre, Tura - Complainant

-Vrs-

Shri T.G.Momin, & P.I.O., o/o the D.C.,(Revenue), West Garo Hills, Tura - Respondent

ORDER

10-11-2009: Perused complaint petition dated 5-11-2009 received in the Commission on 6-11-2009 from the complainant Shri James R. Marak.

The case of the complainant is that he filed an R.T.I. application on 21-1-2009 to the Deputy Commissioner, West Garo Hills, Tura, seeking some information on matter relating to Government's claim of ownership over the land in which they are now living. According to them, the Respondent-PIO furnished unsatisfactory information vide letter No. TVG/6/09/3 dated 22-6-2009 i.e. after a period of five months. On some clarifications and additional information being requested vide letter dated 15-7-2009, the P.I.O. provided the same vide letter No. TVG/6/09/8 dated 10-8-2009 which was not found satisfactory by him. Hence the instant complaint before the Commission.

The Commission examined the original application dated 21-1-2009 filed before the Deputy Commissioner, West Garo Hills, Tura. Vide his R.T.I. application dated 21-1-2009 the complainant sought information from the Deputy Commissioner/P.I.O. on the following items viz.,

1. Whether the Land in question was previously the integral part of Danakgre A'king?
2. Whether the land Balchakram locality (Me'gong Baldak) Dakopgre was acquired according to due process of law under the provisions of compulsory Land Acquisition Act of India, 1894. If so when?

3. Or whether the Land in question was taken under any other mode other than the provisions of the C.L.A. Act, 1894?
4. If the Balchakram Land settled by Indigenous Garo landless people was taken by other method like Sale, Agreement or negotiation. If so whether any Sale Deed or Deed of Agreement executed between the A'khing Nokma Lt. Najing A. Sangma of Danakgre and the Govt. of Meghalaya?
5. If any document like Sale Deed or Deed of Agreement executed? Whether those document/documents were duly registered in the office of D.C., Tura so as to acquire full and complete ownership and title?
6. Whether any erection of boundary fencing were there in the land prior to settlement of the present settlers so as to give sufficient notice to general public?
7. Whether any objection has been made in writing or alleged entering into the area of present Balchakram (Me'gong Baldak) by the Govt./Deptt.?
8. Whether any visible Sign Board had been erected to inform to public the land in question is the land of the Govt.?

It is evident from the items of information sought by the complainant vide his R.T.I. application that all of them are in the nature of queries. The R.T.I. Act, 2005 clearly defined information to mean “any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form etc.” It is therefore, evident that the nature of information which the citizen have been conferred the right of access under the R.T.I. Act are not in the form replies to queries or opinions, but specific information in material form which are already in existence on date of request, held by or under the control of the public authority.

The nature of information required in the instant case solicited replies to queries but did not solicit information in material form and hence does not comply with the definition expressly laid down by the Law.

It is indeed regrettable that four years have passed since the R.T.I. Act is implemented in the State, yet, the P.I.O., Deputy Commissioner's (Revenue Branch), West Garo Hills, Tura could not appreciate the meaning of "information" as laid down in the Law.

Since the contents of the R.T.I. application dated 21-1-2009 are non-R.T.I. in nature, the complaint petition does not merit intervention by this Commission.

Petition rejected.

(G.P.Wahlang)

Chief Information Commissioner,
Meghalaya, Shillong.

Memo. No. MIC/Complaint/108/2009/11-A Dated Shillong, the 10th November, 2009

Copy forwarded to:-

- (1) Shri T.G.Momin, P.I.O., office of the Deputy Commissioner (Revenue), West Garo Hills, Tura.
- (2) Shri James R. Marak, President, Balchakram Development Committee, Dakopgre, West Garo Hills, New Tura.

(S.F.Khongwir)

Secretary,
Meghalaya Information Commission,
Shillong.