

MANIPUR INFORMATION COMMISSION IMPHAL

Complaint Case no 120 of 2010

Shri. Saikhom Jatishwor Singh Chana Ingkhol Manning Leikai, B.P.O. Nongda Basti, Imphal Ukhrul Road, Manipur, complainant

Vrs

The Deputy Commissioner Imphal East |S.P.I.O. Government of Manipur, Imphal, Porompat

ORDER

Imphal, the 31st December, 2010

FACTS

This is an application filed with this Commission by the above complainant namely Shri. Saikhom Jatishwor Singh Chana Ingkhol Manning Leikai, B.P.O. Nongda Basti, Imphal Ukhrul Road, Manipur, on the refusal of the S.P.I.O. to provide the information sought under the provisions of R.T.I. Act, 2005. The above applicant submitted an application on 31.12.2009 to the S.P.I.O. Deputy Commissioner, Imphal East, Porompat, under the R.T.I. Act, 2005, requesting to furnish the following information -----

“Notices were issued for the Demarcation of land under Patta No. 69/338 covered by C.S. Dag--- having an area of 0.70 acre situated at village no. 69—Kameng on 22.3.2007 in Demarcation Case No. 2 of 2006 Reference Misc Case No. 8 of 1995 by the Sub –Deputy Collector, Imphal East, Sawombung on 12.3.2007, fixing 8 am of 22.3.2007 for the said demarcation. But no demarcation was done, instead it was told that process for eviction will be taken up soon. However, till date no action was taken up. The applicant requests when the demarcation is likely to be concluded and present stage of the demarcation. Further, an application was made on 10.6.2010 for a copy of the Dag Chitha for C.S. Dag No. 148 Village No. 69 Kameng but that also was not furnished .”

2. Having not received any satisfactory reply from the S.P.I.O., the above applicant filed this complaint with this Commission on 10.8.2010., on the basis of which a show cause notice was served on the S.P.I.O. on 12.8.2010. The case was taken up as a complaint case under section 18 of the R.T.I. Act, 2005 and heard on 4.11.2010, 14.12.2010 and 21.12.2010. after giving due notices to the parties.

3. On behalf of the S.P.I.O. the Branch Officer (RTI) Deputy Commissioner, Imphal East had given a report submitted by the S.D.O Sawombung, vide former's letter No. DC (IE) |26|04|2008-RTI dated 19th Jan. 2010, to the present complainant. The S.D.O. Sawombung has stated that since “The application of Shri. Saikhom Jatishwor Singh of Chana Ingkhol, Manning Leikai PO Lamlai, Imphal is a query regarding at what point of time the Demarcation Case No. 2 of 2006 of S.D.C, Sawombung will be concluded and to supply details of the situation of the demarcation case. In the instant case, it is a query and not information. The Act, however, does not require the PIO to deduce some conclusion from the material and supply the ‘conclusion’ so deduced to the applicant. The PIO is to supply the material held by the Public Authority and is not required to research on behalf of the citizen to deduce anything from the material and then supply to him.

Reference GOI, Ministry of Personnel, Public Grievances Pensions, Department of Personnel & Training Office Memorandum No.11/2/2008-IR dated 10th July, 2008

In the result, the applicant is not entitled relief under RTI Act”

4. In another issue the applicant has asked on 10.6.2010 for a copy of the Dag Chitha for C.S. Dag No. 148 Village No. 69 Kameng but that also was not furnished till date on the plea that the process for reconstruction of Dag Chitha is going on after all the land records were destroyed by fire on 4.3.2006.

5. The S.P.I.O. Deputy Commissioner, Imphal East, in his letter bearing No. DC (IE) 126/04/2008-RTI dated 4th September 2010 to this Commission has stated that

“ as regards the application dated 31/12/09 wherein the applicant has sought to know at what point of time the demarcation Case No. 2 of 2006 of the S.D.C.Sawombung will be concluded, the application involves a query which would require a research and not an ‘information’ as defined in the Right To information Act. With reference to GOI, Ministry of Personnel, Public Grievances & Pension, Department of Personal & Training Office Memorandum No.11/2/2008-IR dated 10th July 2008, the PIO is to supply the material held by the Public Authority and is not required to research on behalf of the citizen to deduce anything from the material.

As regards the application dated 10/6/10, it is to state that requested document could not be furnished as all land records were destroyed when the office of the SDC, Sawombung was gutted down by a fire on 4/3/2006 and the process of reconstruction is not yet completed. The same has been intimated to the applicant vide letter No.DC (IE) 9/9/97-Pt IX dated 22nd July 2010 (copy enclosed)”

6. The complainant has produced a copy of the notification by the S.D.C.Sawombung dated 25th October, 2010 calling objection for mutation of land situated at 69—Kameng Village in his Mutation Case No. 480/SDC/SWG of 2010.

7. The demarcation is done only when land records are fully available and after giving due notices to the affected land owners. The S.D.C Sawombung had issued the notice on 12.3.2007 fixing 8 am of 22.3.2007 and also visited the spot, whether demarcation had been done or not could not be confirmed but it is certain that the records of demarcation were with him, it cannot be said that the records of the said demarcation were not with the Public Authority at the relevant time. To find out when the demarcation will be completed and what are the stages of the demarcation do not require additional effort on the part of the Revenue staff, even if they are not certain about the time of completion they can say they do not know exactly, but they should surely know the stage of the demarcation, it is simply a part of their duty to know these facts. The applicant is longing for the result of the demarcation for the last four years, but still the officers are not willing to disclose the present stage of the demarcation which is very ridiculous. Since the demarcation process is going on for the last four or five years the applicant, the affected person has the very legitimate right to know the stage of the process, the S.P.I.O. and the S.A.P.I.O. cannot hide it under the pretext of query and research, in fact they have done enough research during the last four years in this demarcation, therefore, no more research is required. Therefore, the Commission does not agree to the contention of both the S.D.O./S.A.P.I.O. and the Deputy Commissioner, S.P.I.O. that this information cannot be given. Both the S.A.P.I.O and S.P.I.O. are malafidely denying the request of the applicant and obstructing the furnishing of the information.

8. Further, they are also submitting wrong and misleading information by saying that the records of the 69-Kameng are not available because of the burning down of the S.D.O. Office on 4.3.2006. How can the Notice for demarcation of the land on 22.3.2007, can be issued when the land records are not available? Even if Land records in S.D.O.'s Office have been burn down the land records in the office of S.D.C and D.C Office should be used. Once the land records in the office of S.D.C or S.D.O had been burn down, then should it be the end of the Revenue administration in the District? The fact that both the S.P.I.O. and the S.A.P.I.O are submitting knowingly wrong information and obstructing the furnishing of information is confirmed by the Mutation Notice issued by the S.D.C. Sawombung, dated 25th October, 2010 calling objection for mutation of land situated at 69—Kameng Village in his Mutation Case No. 480/SDC/SWG of 2010, of the same Revenue Village.

9. In both the counts the S.D.O Sawombung/S.A.P.I.O. and the Deputy Commissioner Imphal East/S.P.I.O. are liable for the penalty prescribed in section 20 (2) of the R.T.I. Act, 2005. . Further, because of the non furnishing of the information during the above period the complainant has to approach the Commission for redressal of his grievances and has to attend Commission ,many times, thus, causing detriment which needs to be compensated under the provisions of the R.T.I. Act, 2005.

DECISION

In the result stated above, the Commission orders that (a).the S.P.I.O./Deputy Commissioner ,Imphal East, and the S.D.O /S.A.P.I.O. should furnish the information sought for by the above complainant within a week from the receipt of this order under intimation to this Commission failing which the penalty as prescribed in section 20(2) of R.T.I. Act, 2005, which includes the recommendation of disciplinary action against them, under the service rules applicable to them , may be imposed on them, for obstructing the furnishing of information, malafidely denying information and giving knowingly wrong information; without further notice.

(b)The complainant can approach the Commission again in case of any grievance on or before 15.1.2011

Announced in open

R.K. Angousana Singh
State Chief Information Commissioner, Manipur.

Copy to----

- 1. The Chief Secretary, Government of Manipur, Imphal**
- 2. The Commissioner (Revenue) Government of Manipur, Imphal.**
- 3. Shri. M. Lakshmikumar Singh, I.A.S Deputy Commissioner Imphal East, /S.P.I.O.
Imphal, Porompat.**
- 4. Shri. K. Lakhshmikanta Sharma S.D.O. Sawombung/S.A.P.I.O.**
- 5 . Shri. Saikhom Jatishwor Singh Chana Ingkhol Manning Leikai, B.P.O. Nongda Basti,
Imphal Ukhrul Road, Manipur**