

CENTRAL INFORMATION COMMISSION

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi-110066

Decision No. CIC/SB/A/2015/000006

Dated 31.10.2016

Complainant : Shri Ajit Kar,
1185, Pocket-3,
Sector-19, Dwarka,
New Delhi-110075.

Respondent : Central Public Information Officer,
Delhi Police, O/o ADCP-cum-PIO,
South West District,
Secor-19, Dwarka,
New Delhi-110075.

Date of Hearing : 31 .10.2016

Relevant dates emerging from the complaint:

RTI application filed on : 14.01.2015

CPIO's reply : 13.02.2015

First complaint filed on : 03.04.2015

FAA's order : 01.05.2015

Second complaint filed on : 16.06.2015

ORDER

1. Shri Ajit Kar filed an application dated 14.01.2015 under the Right to Information Act, 2005 (RTI Act) before the Central Public Information Officer (CPIO), South West District, Delhi Police seeking information on 14 points including certified copy of D.D. No. 58B & 59B of 12.01.2015 P.S. Dwarka, Sector 23, New Delhi and (2) incisiveness of assigning DD No. 59B to S.I.

Jagdish who is involved in false reporting in connection with investigation of FIR 29/10 to court under supervision of Mrs. Neeraj Tokas.

2. The complainant filed a second complaint dated 16.06.2015 before the Commission on the grounds that the PIO has knowingly given incomplete information on point nos. 4, 9 and 10 and deliberately refused information on point Nos. 11, 12 and 13 and that the PIO/SHO/ACP have not complied with the order of the First Appellate Authority (FAA). The complainant requested the Commission to initiate an inquiry against the PIO/FAA as per Section 18 Rule 2, 3 and 4, award compensation to him and impose penalty on the PIO/FAA/deemed PIO.

Hearing on 31.10.2016:

3. The complainant Shri Ajit Kar and the respondent Shri Anand Prakash, ACP, South-West District, Delhi Police were present in person.

4. The complainant submitted that complete and correct information in respect of point nos. 4, 9 and 10 of the RTI application has not been provided to him. The complainant in respect of point no. 4 of the RTI application further submitted that he had sought certified copy of the Standing Order/guidelines governing the official authority/duties to be accomplished by the SHO of Delhi Police. However, the same was denied by the respondent on the ground that no such specific order is available, which is incorrect as there are standing orders that govern the duties of the SHO. The complainant had also produced before the Commission one such standing order. The complainant in respect of point no. 9 of the RTI application, submitted that information sought was not provided to him on the grounds that the final report in the Case has been sent to Hon'ble Dwarka Court, which is no ground to deny information under the RTI Act. The complainant requested the Commission to impose penalty on the erring officials for providing incomplete, incorrect and misleading information.

5. The respondent submitted that point wise information as per available records has been provided to the complainant vide letter dated 13.02.2015. The respondent further submitted that in compliance of the FAA's order dated 01.05.2015, fresh information in respect of point nos. 4 and 9 of the RTI application was provided to the complainant vide letter dated 20.05.2015.

Interim Decision:

6. The Commission, after hearing both the parties and perusing the records, observes that correct and complete information has not been provided by the respondent to the complainant in respect of point nos. 4, 9 and 10 of the RTI application. Therefore, the CPIO is liable for imposition of penalty in terms of provision under Section 20(1) of the RTI Act, 2005.

7. The CPIO, South-West District is hereby directed to submit an explanation both by post and through e-mail at do.icsb-cic@gov.in before the Commission, on or before 22.12.2016, explaining why action under Section 20(1) of the RTI Act should not be initiated against him.

8. The CPIO, South-West District is further directed to appear before the Commission on **05.01.2017 at 01:15 pm** along with a copy of his written explanations.

9. The CPIO, South-West District is also directed to inform if there is/ are other person(s) responsible for knowingly not providing complete information to the complainant and if so to inform such persons of the show cause hearing and direct them to appear before the Commission on **05.01.2017 at 01:15 pm** along with his/ their written explanations.

10. Copy of the decision be provided free of cost to the parties.

(Sudhir Bhargava)
Information Commissioner

Authenticated true copy

(V.K. Sharma)
Designated Officer