

CENTRAL INFORMATION COMMISSION

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

Decision No. CIC/SB/C/2015/000012

Dated 23.09.2016

Complainant : Shri Harkrishan Das Nijhawan,
B6/69-A,
Safdarjung Enclave,
New Delhi-110 029.

Respondent : Central Public Information Officer,
Delhi Police, O/o the PIO,
Licensing Unit, 1st Floor, Police Station,
Defence Colony, New Delhi.

Date of Hearing : 23.09.2016

Relevant dates emerging from the complaint:

RTI application filed on : 02.06.2015

CPIO's reply : 01.07.2015

Complaint filed on : 02.07.2015

ORDER

1. Shri Harkrishan Das Nijhawan filed an application dated 02.06.2015 under the Right to Information Act, 2005 (RTI Act) before the Central Public Information Officer (CPIO), O/o the PIO, Licensing Unit, Delhi Police seeking certified copies of the lists showing the show cause notices issued to the Restaurants, Guest houses and Hotels from 01.01.2014 to 02.06.2015 and all inspection carried by the officials of Licensing Unit of Delhi Police before and

after the show cause notices issued to the restaurants from 01-01-2014 to 02-06-2015.

2. The complainant filed a complaint dated 02.07.2015 before the Commission on the grounds that the CPIO has declined him the information on flimsy ground while the similar information was provided to him in the year 2013. The complainant further requested to award maximum penalty to the CPIO besides allowing him compensation and direct the respondent to provide him the requisite information.

Hearing:

3. The complainant Shri Harkrishan Das Nijhawan and the respondent Shri Ved Parkash, ACP (Licensing), Delhi Police were present in person.

4. The complainant submitted that he has been denied information on point nos. 1-3 and 7-10 of the RTI application on the ground that the information sought is exempted as the same relates to third party. The complainant further submitted that the respondent has denied information without following the procedure as mentioned under Section 11(1) of the RTI Act regarding disclosure of information relating to a third party.

5. The respondent submitted that the complainant had sought information regarding the show cause notices issued to various Restaurants/Guest houses/Hotels/Motels in Delhi from 01.01.2014 to 02.06.2015 and inspection carried on by the licensing unit of Delhi Police before and after the issue of show cause notices. However, the same contains personal information of the third party and, therefore, the same is exempted from disclosure under Section 8(1)(j) of the RTI Act. The respondent further submitted that point wise information as per available record was provided to the complainant vide letter dated 01.07.2015. The respondent also stated that following the procedure of Section 11(1) of the RTI Act in the present case in order to seek the consent

would disproportionately divert the resources of the public authority as there are multiple third parties involved in the present case.

Decision:

6. The Commission, after hearing both the parties and perusing the records, observes that the respondent had denied information to the complainant on the ground that it pertains to personal information of third parties, without following the procedure of Section 11(1) of the RTI Act. The Commission, however, observes that the information sought relates to violation of licensing conditions by the licensees. The Commission notes that the conditions are prescribed to regulate the quality of food served by the Restaurants/safety of guests staying, which have a bearing on public health as well as the safety of the public. Thus, the public interest justifies the disclosure of the information sought. The Commission, therefore, directs the respondent to upload on their official website, a list of show cause notices issued to restaurants, guest houses, and hotels/motels from 01-01-2014 to 02-06-2015, including reasons for the issuance of the show cause notices so that the public has due information about the quality of services provided by the licensees, within a period of six weeks from the date of receipt of a copy of this decision.

7. With the above observations, the complaint is disposed of.

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

(Sudhir Bhargava)
Information Commissioner

Authenticated true copy

(V.K. Sharma)
Designated Officer