

**CENTRAL INFORMATION COMMISSION**

2<sup>nd</sup> Floor, August Kranti Bhawan,  
Bhikaji Cama Place, New Delhi-110066

**Decision No. CIC/SB/C/2015/000068**

**Dated 18.10.2016**

**Complainant** : Shri J. K. Mittal  
57, East End Enclave,  
New Delhi-110 092.

**Respondent** : Central Public Information Officer,  
Delhi Police, O/o the DCP,  
East District, Mandawali, Fazalpur,  
Delhi

**Date of Hearing** : 29.09.2016

**Relevant dates emerging from the appeal:**

RTI application filed on : 28.04.2015

CPIO's reply : 25.05.2015

Complaint filed on : 03.10.2015

**ORDER**

**1.** Shri J. K. Mittal filed an application dated 28.04.2015 under the Right to Information Act, 2005 (RTI Act) before the Central Public Information Officer (CPIO), East District, Delhi Police seeking copies of documents/information pertaining to his RTI application.

**2.** The appellant filed a complaint dated 03.10.2015 before the Commission on the grounds that the CPIO had intentionally provided false, incorrect, incomplete and contrary reply/information to misled the complainant and

caused obstruction to the information by intentionally violating the provision of the RTI Act.

**Hearing:**

**3.** The complainant Shri J. K. Mittal was represented by an authorized person Shri Rajveer Singh who was present in person. The respondents Shri Arunendra Singh, Inspector, Shri Omender Singh, Sub-Inspector and Shri Sri Krishnan, Asst. Sub-Inspector, Delhi Police were also present in person.

**4.** The complainant submitted that correct and complete information has not been provided to him in response to the RTI application dated 28.04.2015. The complainant while reiterating the submissions made in the memorandum of appeal highlighted the following:

In response to point no. 1(b) and 1(c) of the RTI application, the respondent submitted that no such information is maintained whereas for the purpose of any enquiry, date and place are two essential elements for an enquiry report and PIO intentionally made false statements to obstruct this information.

In reply to point nos. 1(e) and 1(j) of the RTI application, the names of officers have not been provided.

The complainant further submitted that information relating to point nos. 2(b) and 2(e) was denied by invoking Section 8(1)(h) of the RTI Act on the grounds that the investigation in the matter is pending without giving any reason as to how the supply of information would impede the process of investigation.

As regards point nos.3 (a) to (c) of the RTI application, only 35 pages were provided instead of 37 pages.

In part (a) of point no.4 of the RTI application, the complainant sought documentary evidence on the basis of which it was stated that the complainant was contacted by the I.O. However, the respondent simply stated that this was on the basis of the enquiry without providing any documentary evidence.

In point nos.4(c) and 4(d) of the RTI application, the date and time when such purported call was made has not been provided on the pretext that no such record is available.

In part (e) of point no.4 of the RTI application, instead of providing the number on which the call was made, the respondent had provided the number of a Sub-Inspector. The complainant also submitted that evasive reply has been provided on point nos. 7 and 8 of the RTI application.

**5.** The respondent submitted that point-wise information was provided to the complainant vide letter dated 25.05.2015. The respondent further submitted that information was provided on the basis of the records maintained by them and all information as available with them was provided to the complainant. The respondent also stated that as regards point nos. 1(b) and 1(c) since no such record was maintained, no information could have been provided. The respondent further submitted that since the case registered vide FIR No.1070/14 was pending investigation, the information sought in point nos. 2(b) and 2(c) of the RTI application was denied. As regards, point no. 3, complete documents as available were provided to the complainant. The respondent also stated that there could have been a bonafide mistake in stating the number of pages. The respondent also submitted that as regards point no. 4(a) of the RTI application, the complainant was informed that the averments were made on the basis of the enquiry report conducted in the matter. The complainant was also informed that no records regarding the call made is available and due to oversight the number from which the call was made was provided to the complainant. The respondent submitted that under the RTI Act, the CPIO can only provide information which is available on record. Hence, information which is not maintained and is not on record cannot be provided to the complainant.

The respondent also submitted that the Hon'ble Delhi High Court in the case of *The Registrar Supreme Court of India v. Commodore Lokesh K. Batra & Ors* LPA 24/2015 & CM No. 965/2015 has held:-

*“15. On a combined reading of Section 4(1)(a) and Section 2(i), it appears to us that the requirement is only to maintain the records in a manner which facilitates the right to information under the Act. As already noticed above, ‘right to information’ under Section 2(j) means only the right to information which is held by any public authority. We do not find any other provision under the Act under which a direction can be issued to the public authority to collate the information in the manner in which is sought by the applicant”.*

In view of this, in case information is not maintained by the public authority, the RTI Act casts no obligation upon it to collect/collate such non available information and then furnish it to the complainant.

**Decision:**

6. The Commission, after hearing both the parties and perusing the records, observes that though point wise information was provided by the CPIO, there has been callousness/lackadaisical approach on the part of the respondent. Consequently, there have been certain bonafide lapses such as mentioning of 37 pages instead of 35 pages, including names of officers etc. However, it cannot be said that there was a deliberate design to obstruct the information or that there was malafide intention in withholding or denying the information. In view of this, initiation of action under Section 20 of the RTI Act is not warranted in this matter.

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**