

CENTRAL INFORMATION COMMISSION

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

Decision No. CIC/SB/A/2015/000311

Dated 28.11.2016

Appellant : ShriU.S. Singhal,
964/3, Rani Bagh,
Gurudwara Road,
Delhi-110 034.

Respondent : Central Public Information Officer,
Delhi Police,O/o ADCP/PIO,
North West District,Ashok Vihar,
Delhi-110 052.

Date of Hearing : 28.11.2016

Relevant dates emerging from the appeal:

RTI application filed on : 20.02.2015
CPIO's reply : 20.03.2015
First appeal filed on : 19.04.2015
FAA's order : 26.05.2015
Second appeal filed on : 13.08.2015

ORDER

1. ShriU.S. Singhal filed an application dated 20.02.2015 under the Right to Information Act, 2005 (RTI Act) before the Central Public Information Officer (CPIO), Police Headquarters, New Delhi seeking information on eight points pertaining to letter issued under Section 344(2) of the DMC Act relating to stoppage of work. The CPIO, Police Headquarters, New Delhi vide letter dated

26.02.2015 transferred the RTI application to West District, North West District and Outer District of Delhi Police.

2. The appellant filed a second appeal dated 13.08.2015 before the Commission on the grounds that the CPIO has provided unsatisfactory and misleading information. The First Appellate Authority (FAA) had not given him personal hearing and requested the Commission that action may be initiated against the erring officials as per Section 20 of the RTI Act.

Hearing:

3. The appellant Shri U.S. Singhal and the respondents Shri Surender Dahya, ACP, Inspector Ram Kishore, Inspector Sanjay Atri Singh and Inspector Manmohan Singh were present in person.

4. The appellant submitted that complete and correct information has not been provided to him in response to his RTI application. The appellant submitted that the respondent had denied information on the grounds that the information sought is voluminous and, therefore, had asked him to visit all Police Stations on any working day to inspect the permissible record as per provisions of the RTI Act. The appellant further submitted that the respondent also denied the information sought in point nos. 4 and 6 of the RTI application on the grounds that the same related to third party and no public interest would be served by its disclosure. The appellant further submitted that the FAA had not given him an opportunity of personal hearing.

5. The respondent submitted that the appellant was informed vide letter dated 20.03.2015 that the information sought for is voluminous and is not maintained in one separate file and hence, collating and compiling the same would disproportionately divert the resources of the organization and, therefore, the appellant was asked to inspect the records on any working day.

Decision:

6. The Commission, after hearing the submissions of both the parties and perusing the records, finds that the respondent has not followed the provisions of Section 11(1) of the RTI Act related to third party information. The Commission, therefore, directs the respondent to follow the procedure for supplying the third party information under Section 11 of the RTI Act. The Commission also directs the respondent to provide copies of guidelines/circulars with reference to point nos. 7 and 8 of the RTI application to the appellant. The above documents shall be complied with within a period of four weeks from the date of receipt of a copy of this order.

7. The Commission also observes that the issue of not granting an opportunity of hearing to the appellant has been dealt in detail by the Commission vide case no. CIC/SM/A/2013/000312 dated 18.07.2012 which is as under:-

“4. During the hearing, among other submissions, the Appellant specifically wanted us to take note of the fact that the Appellate Authority had not given him any opportunity of hearing even after he expressly requested for that. He also, with the help of some information he had obtained through RTI from the CVC, submitted that the Appellate Authority in the CVC had not given any personal hearing to anyone except in three cases since the Right to Information Act came into being. Although the Right to Information (RTI) Act or the rules made there under do not prescribe in detail the procedure to be followed by the Appellate Authority in dealing with first appeals, by convention, the Appellate Authority should give an opportunity of hearing to any Appellant if the Appellant expressly wants to be heard. Therefore, we would like the Appellate Authority to bear this in mind and, wherever any such request is made, to afford an opportunity of hearing to that Appellant.”

In view of the above, the Commission would like to counsel the FAA, South East District, Delhi Police, to provide the appellants, as far as possible, an opportunity of hearing before deciding the appeals.

8. With the above observations, the appeal is disposed of.
9. Copy of the decision be provided free of cost to the parties.

(Sudhir Bhargava)
Information Commissioner

Authenticated true copy

(V.K. Sharma)
Designated Officer