

**CENTRAL INFORMATION COMMISSION**

August Kranti Bhawan, Bhikaji Cama Place,  
New Delhi-110066

F. No. **CIC/YA/C/2016/000031**  
**CIC/YA/A/2016/000255**  
**CIC/KY/A/2016/000409-YA**  
**CIC/YA/A/2016/000432**  
**CIC/YA/A/2016/002378**  
**CIC/YA/A/2016/002396**

Date of Hearing : **19.01.2017**  
Date of Decision : **19.01.2017**

Appellant/Complainant : **Shri Akshay Kumar Malhotra,  
Delhi**

Respondent : CPIO, North Delhi Municipal  
Corporation, Delhi  
Through:  
Mr. Nanak Chand, Dy. Director,  
Rohini Zone [002396 above]  
Mr. R. K. Sharma, EE(M-IV), CLZ  
Mr. A. K. Jain, AE, CLZ [409 above]  
Mr. R. K. Jain, AE, Rohini Zone [31  
above]  
Mr. Jatin Verma, AE(Elect) [432  
above]  
Dr. Jagvir Singh, Dy. Dir, RZ  
[2378+255 above]

**Information Commissioner : Shri Yashovardhan Azad**

**Since common parties are involved in the present appeals, they are being clubbed together for hearing and disposal to avoid multiplicity of the proceedings.**

**Relevant facts emerging from appeal:**

Case No.	RTI filed on	CPIO reply	First appeal filed	FAA order	2 <sup>nd</sup> appeal filed on
0031	19.10.2015	--	15.12.2015	--	02.01.2016
0255	21.04.2016	--	02.06.2016	--	22.07.2016
0409	09.11.2015	--	29.12.2015	--	09.03.2016
0432	19.10.2015	--	15.12.2015	--	02.01.2016
2378	21.04.2016	--	02.06.2016	--	22.07.2016
2396	11.04.2016	10.05.2016	02.06.2016	--	29.07.2016

**CIC/YA/C/2016/000031**  
**CIC/YA/A/2016/000432**

**Information sought and background of the case:**

The applicant filed an RTI application dated 19.10.2015 sought information regarding three numbers of High/Semi – High Mast Lights installed inside DDA Park at AA AB Block Shalimar Bagh, Delhi-110088.

CPIO did not respond to the RTI application. The appellant preferred first appeal but the same remained unheard. Feeling aggrieved the appellant approached the Commission. Since both the aforementioned cases arose out of the same RTI application and sought same remedy, both are treated as Second Appeals and decided in accordance with law.

**Relevant facts emerging during hearing:**

Both parties are present for hearing and from the deliberations and submissions, the position so emerges that the issue arose out of dysfunctional street lights in the area. The appellant expressed his helplessness stating that neither the complaints made with respect to non functional street lights are addressed nor are the RTI queries about the same answered by the Respondents. The Respondent states that while the street lights are installed by MCD, they are powered by the electricity supplied by the respective discoms and hence the timing of switching the lights on or off does not vest in the hands of MCD, nor can they answer in this regard. It was also submitted that while most of the street lights were non functional at the time when the instant case was filed, currently all of them have been made functional.

**Decision:**

After hearing parties and perusal of record, the Commission directs the PIO (Electrical) to write to the respective discoms which supply power to these street lights to take appropriate action and ensure that the lights are utilised during relevant hours of the day. Copy of the letter sent by the PIO should be marked to appellant and a copy submitted before the Commission within a week of receipt of this order.

The appeals are disposed of accordingly.

**CIC/YA/C/2016/000255**  
**CIC/YA/A/2016/002378**

**Information sought and background of the case:**

The appellant vide RTI application dated 21.04.2016 sought information about menace caused by a street dog in the street adjoining his home.

CPIO did not respond to the RTI application. The appellant preferred first appeal but the same remained unheard. Feeling aggrieved the complainant approached the Commission. Since both the cases arise out of the same RTI application and remedy sought by the applicant in both cases are the same, both cases are treated as Second appeal and decided accordingly.

**Relevant facts emerging during hearing:**

The appellant submitted that he had complained a particular stray dog of his area which appeared rabid since it was always on an attacking spree and violent. Hence he had complained to the Respondent to take appropriate action under the Animal Birth Control (Dogs) Rules, 2001. In response to the complaints, he was informed that in terms of provisions of the Animal Birth Control (Dogs) Rules, 2001 the stray dogs of the area are picked up by the corporation & NGOs and pursuant to the appellant's complaints, the Veterinary Services Deptt took action and it was found that all dogs were sterilised and vaccinated. The Respondent submitted a letter received from a resident of the same area who had stated that the concerned dog complained about was incorrectly been complained of and was neither rabid nor attacked passersby, and the allegations against her were false. The appellant concluded his submissions stating that he had by his RTI application sought to know the action taken in terms of Section 10 of the Animal Birth Control (Dogs) Rules, 2001 and the Respondent had neither taken any action nor responded till date.

**Decision:**

After hearing parties and perusal of record, the Commission observes that the query of the appellant in this case is very basic and relates to an issue which serves a common interest of the public at large. It is the duty of the civic authorities to ensure appropriate remedial action is taken to check the menace of stray animals endangering the lives of citizens while ensuring that no cruelty is meted out to the animals. Unfettered rights of either humans or animals can disturb the harmonious co-existence. Thus it is found necessary in this case that the Respondent should initiate action under Section 7 and 10 of the Animal Birth Control (Dogs) Rules, 2001 and the Action Taken Report in compliance of the Sections 7 and 10 of the Animal Birth Control (Dogs) Rules, 2001 shall be provided to the Appellant within two weeks of receipt of this order, with a copy mandatorily marked to the Commission.

The appeals are disposed of accordingly.

## **CIC/KY/A/2016/000409-YA**

### **Information sought and background of the case:**

The appellant vide RTI application dated 09.11.2015 sought information 8 points regarding his complaint dated 28.10.2015 to Dy. Commissioner (North MCD). CPIO did not respond to the RTI application. The appellant preferred first appeal but the same remained unheard. Feeling aggrieved the appellant approached the Commission.

### **Relevant facts emerging during hearing:**

Both parties appeared and the appellant narrated that this case arose out of a complaint filed by the appellant about encroachments outside two shops, done by the shopkeepers in violation of the MCD regulations in the area. He stated that the only action taken so far by the Respondent was to transfer the RTI application from one department to the other. The PIO appearing in this case stated that the case had been duly transferred on 31.10.2015 to the concerned department which is the Enforcement department.

### **Decision:**

After hearing parties and perusal of record, the Commission directs Sh. R K Sharma, EE(M-IV), CLZ appearing today during the hearing to serve Show Cause Notice/s on the current and the erstwhile (who was marked the RTI application on 31.10.2015 ) PIO/Asstt. Commissioner, Enforcement deptt. The current PIO, Enforcement department is further directed to take appropriate action on the appellant's complaint dated 28.10.2015 in terms of the provisions of the DMC Act and submit an Action Taken Report before the Commission within two weeks of receipt of this order, with a copy marked to the appellant.

The appeal is accordingly disposed of.

## **CIC/YA/A/2016/002396**

### **Information sought and background of the case:**

The appellant vide RTI application dated 11.04.2016 sought information under 20 regarding upkeep and maintenance of Green Cover and park located in AC Block Shalimar Bagh, Delhi-110088, which are under NDMC. CPIO replied vide letter dated 10.06.16 furnishing point wise information as available on record. The appellant preferred first appeal but the same remained unheard. Feeling aggrieved the appellant approached the Commission.

**Relevant facts emerging during hearing:**

Both parties are present for hearing and reiterate their respective views. The Commission sought to know the underlying cause behind the filing of this appeal and the appellant narrated that the park in question was earlier maintained by the local RWA and the upkeep thereof was carried out well. However, lately the park was taken over by the Respondent and ever since then the maintenance of the same has deteriorated to the disappointment of the local residents. Hence, he had raised some queries before the Respondent in order to understand whether adequate attention was given to the park which provided essential clean breathing space to the residents of the area. The appellant further stated that apart from queries number 1 and 2 none of the questions were answered by the Respondent. The Respondent stated that whatever information was available on record have been already been furnished to the appellant. Responding to the appellant's grievance about the park being not maintained properly under the control of the Respondent, it was stated by the Respondent that they were agreeable to hand over the park to the RWA but because of the in-fighting between the members of the RWA, responsibility of maintenance of the park could not be left at their hands and hence NDMC had to step in and take control of the park.

**Decision:**

After hearing parties and perusal of record, the Commission notes that the main focus of this appeal is basically maintenance and proper upkeep of the park in question. Hence, the Commission directs the PIO, Sh. Nanak Chand, Dy. Director, Rohini Zone to hold a meeting with a the appellant and address his queries/concerns about the park. Necessary follow-up Action taken Report for the overall improvement and proper maintenance of the park shall be provided to the appellant within two weeks of receipt of this order with a copy marked to the Commission.

The appeal is disposed of accordingly.

**(Yashovardhan Azad)**  
**Information Commissioner**

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges prescribed under the Act to the CPIO of this Commission.

**(R.P.Grover)**  
**Designated Officer**

Copy to:-

<b>CPIO:</b> <b>Assistant Commissioner – Rohini Zone, North Delhi Municipal Corporation, Rohini Zone, Zonal Office, Sector-5, Rohini, Delhi-110085</b>	<b>Executive Engineer-(M) / Rohini Zone North Delhi Municipal Corporation, Rohini Zone, Zonal Office, Sector-5, Rohini, Delhi-110085</b>
<b>AKSHAY KUMAR MALHOTRA AC-179, SHALIMAR BAGH, DELHI-1100898</b>	<b>CPIO:</b> <b>Executive Engineer ( Elect.-III)/Rohini, North Delhi Municipal Corporation, Electricity-III Department, Rohini Zone, Zonal Office Building, Sector-5, Rohini, Delhi-110085</b>
<b>First Appellate Authority under RTI Superintending Engineer/ Rohini Zone, North Delhi Municipal Corporation, Electricity-III Department, Rohini Zone, Zonal Office Building, Sector-5, Rohini, Delhi-110085.</b>	<b>CPIO:</b> <b>Deputy Director – Horticulture / Rohini, North Delhi Municipal corporation, Horticulture Department, Rohini Zone, Zonal Office, Sector-5, Rohini, Delhi-110085.</b>
<b>First Appellate Authority under RTI Deputy Commissioner / Rohini Zone, North Delhi Municipal Corporation, Horticulture Department, Rohini Zone, Zonal Office, Room No.-102, 1<sup>st</sup> Floor, Sector-5, Rohini, Delhi-110085</b>	<b>CPIO:</b> <b>Deputy Director-VS/Rohini Zone, North Delhi Municipal Corporation, Veterinary Services Department, Rohini Zone, Zonal Office, Sector-5, Rohini, Delhi-110085.</b>
<b>First Appellate Authority under RTI Deputy Commissioner/Rohini Zone, North Delhi Municipal Corporation, Rohini Zone, Room No. -102, Zonal Office, Sector-5, Rohini, Delhi-110085</b>	<b>CPIO:</b> <b>Deputy Director –VS/Rohini Zone, North Delhi Municipal Corporation, Veterinary Services Department, Room No.-221, Rohini Zone, Sector-5, Rohini, Delhi-110085</b>
<b>First Appellate Authority under RTI Deputy Commissioner/Rohini Zone, North Delhi Municipal Corporation, Veterinary Services Department, Room No.-102, Rohini Zone, Sector-5, Rohini, Delhi-110085</b>	<b>CPIO:</b> <b>Assistant Commissioner-Civil Line Zone, North Delhi Municipal Corporation, Civil Lines Zone, Zonal Office, 16-Rajpur Road, Delhi-110054</b>
<b>First Appellate Authority under RTI Deputy Commissioner/Civil Lines Zone, North Delhi Municipal Corporation, Civil Lines Zone, Zonal Office, 16-Rajpur Road, Delhi-110054.</b>	<b>Superintending Engineer-II/Civil Line, North Delhi Municipal Corporation, Civil Lines Zone, Zonal Office, 16-Rajpur Road, Delhi-110054</b>

