

CENTRAL INFORMATION COMMISSION
August Kranti Bhawan, Bhikaji Cama Place,
New Delhi-110066

F. No. **CIC/YA/A/2015/002623**
CIC/YA/A/2016/000073
CIC/YA/A/2016/000074
CIC/YA/A/2016/000075

Date of Hearing : **21.09.2016**
Date of Decision : **21.09.2016**

Appellant/Complainant : **Shri Tara Chand Gupta, Delhi**

Respondent : CPIO, North Delhi Municipal Corporation, Delhi
Through:
Shri Sanjeev Dara, AE(Civil)
Shri Manish Verma, DD(Bldg)
Ms. Rita Kaushik
Shri R.K.Rawat, DHO
Shri R.K.Verma

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	2nd appeal filed on
2623	25.06.2015	30.07.2015	30.07.2015	13.08.2015	06.10.2015
0073	20.08.2015	16.09.2015	24.09.2015	26.10.2015	23.12.2015
0074	20.05.2015	25.05.2015	11.06.2015	25.06.2015	23.12.2015
0075	15.01.2015	17.07.2015 & 18.02.2015	13.04.2015	15.05.2015	23.12.2015

CIC/YA/A/2015/002623

Information sought and background of the case:

The appellant vide RTI application dated 25.06.2015 sought information under 8 points regarding licenses issued to several hotels, guest houses, restaurants, dhabas, tea shops, sweet shops and bhatura shops running in SP Zone.

CPIO replied on 30.07.2015 and furnished point wise information as available on record. The appellant preferred first appeal. FAA vide order dated 13.08.2015 directed the CPIO to furnish information on point nos. 2, 4 & 8 within 7 days. Feeling aggrieved over non compliance of FAO the appellant approached the Commission.

Relevant facts emerging during hearing:

Both parties are present and heard. The appellant states that even after the orders of FAA, information with regard to queries No. 2, 4 and 8 were not provided till date. The respondent states that on the directions of FAA, a revised reply had been furnished to the appellant.

Decision:

After hearing parties and perusal of record, the Commission directs the Respondent to re-send a copy of the revised reply on queries number 2,4 and 8, in terms of the order of the FAA, as already sent to the appellant, with a copy positively marked to the Commission within two weeks from the receipt of this order.

The appeal is disposed of accordingly.

CIC/YA/A/2016/000073

Information sought and background of the case:

The appellant vide RTI application dated 28.08.2015 sought copies of permission for raising/constructions of building and other related issues.

CPIO vide letter dated 16.09.2015 furnished information as available on record. The appellant preferred first appeal. FAA vide order dated 26.10.2015 directed the CPIO to furnish the amended reply to the appellant within 10 days. Feeling aggrieved over non compliance of CPIO the appellant approached the Commission.

Relevant facts emerging during hearing:

Both parties are present and heard. The appellant states that information with regard to point No. 1 to 3 cannot be provided as the query is not specific neither the time frame has been defined nor the property number has been mentioned for which information is sought. The Respondent has further added that list of all JEs and AEs working in Building Department, SP zone, detailed list of action taken of unauthorised construction and properties sealed have already been provided to the appellant.

Decision:

After hearing parties and perusal of record, the Commission finds that information as available on record has already been provided and no further action is called for in this case.

The appeal is disposed of accordingly.

CIC/YA/A/2016/000074

Information sought and background of the case:

The appellant vide RTI application dated 20.05.2015 sought information under 4 points regarding RTI second appeals pending against NDMC, SP Zone.

CPIO replied on 25.05.2015. The appellant preferred first appeal. FAA vide order dated 25.06.2015 stated as follows:

Sh. Ramesh, ZS informed that information asked by the appellant pertains to CIC. The RTI information filed by appellant, has already been transferred to PIO/CIC vide no. D-91/RTI/AC/SPZ dated 25.05.2015 under intimation to the applicant. The appellant may approach to PIO/CIC for further information.

Feeling aggrieved the appellant approached the Commission.

Relevant facts emerging during hearing:

Both parties are present and heard. The appellant states that information with regard to points 1 and 3 have not been provided till date. He states that it is unfortunate to note the state of affairs of MCD as they are not able to provide the information even about the number of complaints received in respect of unauthorised construction and what action has been taken on the same. The respondent states that information as available on record has been provided. He reiterates that no specific time period or property No. has been

mentioned for which information is to be provided.

Decision:

After hearing parties and perusal of record, the Commission finds that monitoring of RTI applications in the NDMC is not being accorded the attention it deserves. Often the Commission during the hearings has been informed by the CPIOs that the pending RTI applications are not handed over to the incumbent officers by the outgoing ones during the charge being handed over. In many cases the CPIOs after getting an RTI application mark it to APIO and junior colleagues without keeping any record. When questioned by the Commission over unnecessary delays and obstruction in providing information, the CPIOs routinely transfer the blame to the APIOs and other junior colleagues thus attributing the entire fault of not implementing the RTI regime on the chain of junior officials.

The entire purpose of the RTI Act would fail if there is no monitoring mechanism in place especially in a public authority like the Municipal Commission which has such a wide public interface. Myriad issues are raised in RTI queries all relating to problems faced by the public, which should give a fairly good idea to the CPIOs as to how to be prepared to deal with the various issues. Instead it is found that feeble attempts are made to ward off responsibility to junior colleagues or other units of the organisation. The FAAs compound the problem by giving non speaking orders resulting in huge pendency with the Central Information Commission. With the kind of Second Appeals which could have easily been settled at the CPIO/FAA level.

In such a scenario, it is imperative that an internal monitoring of cases is done on a regular basis in order to enhance the productivity and efficiency of the organisation as a whole. If such a mechanism is not already in place the Commission under powers vested by the provisions of the Section 19(8) of the RTI Act directs the Commissioner, NDMC to put in place a robust monitoring mechanism to ensure that each CPIO is aware of the following:

- i) the number of RTI queries pending with him;
- ii) the number of RTI queries marked down to the APIO/junior colleagues;
- iii) the number of RTI queries transferred under Section 6(3) of the RTI Act to other Units and vice versa;
- iv) the number of RTI queries awaiting compliance after FAA's orders;
- v) the number of RTI queries in which Second Appeals have been filed;

The monitoring authority thus set up should identify obstacles and suggest suitable measures that would contribute to the successful implementation of the Rules/policies and the RTI Act. Moreover such an

important aspect as monitoring should essentially be based on feedback. As a part of monitoring of RTI related cases it is essential that there should be frequent checks as to whether RTI queries have been responded appropriately and within the mandated time frame. An Action Taken Report with respect to setting up of the Monitoring mechanism is directed to be submitted before the Commission within four weeks of receipt of this order.

The Commission further directs the Respondent case to provide a complete list detailing the number of RTI queries received and the status thereof, to the appellant within four weeks of receipt of this order under intimation to the Commission.

The appeal is disposed of on the above terms.

CIC/YA/A/2016/000075

Information sought and background of the case:

The appellant vide RTI application dated 15.01.2015 sought information under 10 points regarding group Housing Society known as 'M2K VICTORIA GARDENS' situated at the Ring Road, Azadpur, Delhi. CPIO vide letter dated 18.02.2015 informed the appellant that information sought pertains to DDA. The appellant preferred first appeal. FAA vide order dated 15.05.2015 upheld the reply of CPIO. Feeling aggrieved the appellant approached the Commission.

Relevant facts emerging during hearing:

Both parties are present and heard. The appellant states that he has information regarding M2K Victoria Gardens situated at Ring Road Azadpur in respect of sanction of building plan and other details/relevant documents but the same is not provided to him. The respondent states that RTI queries do not pertain to Building Department and since all the questions in the RTI application pertain to DDA, this appeal was transferred to the Director (Building), DDA. CPIO, DDA states that since the appellant asked for sanction plan of land which belongs to some third party and hence the information was denied on account of being 3rd party information.

Decision:

After hearing parties and perusal of record, the Commission is not in agreement with the plea taken by the CPIO, DDA and directs the public authority to provide information against the queries No.1,2,3,4,5,6, and 10

within four weeks of receipt of this order under intimation 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:-

Public Information Officer under RTI
Nodal Officer – RTI Cell / HQ.,
North Delhi Municipal Corporation,
2nd Floor, Central Office, Dr. S. P. M. Civic
Centre, Minto Road, New Delhi-110002.

Public Information Officer under RTI
Assistant Commissioner / Civil Lines Zone,
North Delhi Municipal Corporation,
Civil Lines Zone, Zonal Office,
16-Rajpur Road, Delhi-110054.

Public Information Officer under RTI
Executive Engineer-(Bldg) / HQ.,
North Delhi Municipal Corporation,
Building Department, Headquarters,
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Minto Road, New Delhi-110002.

Public Information Officer under RTI
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Public Information Officer under RTI
Deputy Director – (LM) / NZ,
Delhi Development Authority,
Local Shopping Complex,
LU-Block, Pitam Pura,
Delhi-110034.

First Appellate Authority under RTI
Superintending Engineer-(Bldg) / HQ.,
North Delhi Municipal Corporation,
Building Department, Headquarters,
10th Floor, E-Wing, Dr. S.P.M. Civic Centre,
Minto Road, New Delhi-110002.

Public Information Officer under RTI
Deputy Director – (Bldg.) / L&I,
Delhi Development Authority,

First Appellate Authority under RTI
Director – (Building),
Delhi Development Authority,

**Building Section,
1st Floor, C-1/104, INA Market,
Vikas Sadan, New Delhi-110023.**

**Building Department,
1st Floor, C-1/104, INA Market,
Vikas Sadan, New Delhi-110023.**

**First Appellate Authority under RTI
Superintending Engineer-II / Civil Lines,
North Delhi Municipal Corporation,
Civil Line Zone, Zonal Office Building,
16, Rajpur Road, Delhi-110054.**

**Public Information Officer under RTI
Deputy Director–(Planning) / Zone-C & G,
Delhi Development Authority,
Planning Department,
3rd Floor, Vikas Minar, New Delhi-110002.**

**Shri Tara Chand Gupta
President – Inderprastha Sewa Sangh,
91, Crockery Market,
Sadar Bazaar,
Delhi-110006.**

Public Information Officer under RTI Executive Engineer-(Build.) / S. P. Zone, North Delhi Municipal Corporation, Building Department, S. P. Zone, Old Building, Room No.-30, 2nd Floor, Sadar Thana, Idgah Road, Delhi-110006.	First Appellate Authority under RTI Superintending Engineer / S. P. Zone, North Delhi Municipal Corporation, Engineering Department, S. P. Zone, Old Building, Room No.-22, 1st Floor, Sadar Thana, Idgah Road, Delhi- 110006.
Public Information Officer under RTI Assistant Engineer-(Build.) / S. P. Zone, North Delhi Municipal Corporation, Building Department, S. P. Zone, Old Building, Room No.-30, 2nd Floor, Sadar Thana, Idgah Road, Delhi-110006.	Shri Tara Chand Gupta President – Inderprastha Sewa Sangh, 91, Crockery Market, Sadar Bazaar, Delhi-110006.

Public Information Officer under RTI Assistant Commissioner / S. P. Zone, North Delhi Municipal Corporation, S. P. Zone, Zonal Office, Sadar Thana, Idgah Road, Delhi-110006.	First Appellate Authority under RTI Deputy Commissioner / S. P. Zone, North Delhi Municipal Corporation, S. P. Zone, Zonal Office, Sadar Thana, Idgah Road, Delhi- 110006.
Shri Tara Chand Gupta President – Inderprastha Sewa Sangh, 91, Crockery Market, Sadar Bazaar, Delhi-110006.	

Public Information Officer under RTI Deputy Health Officer – Health / S. P. Zone, North Delhi Municipal Corporation, Health Department, S. P. Zone, Sadar Thana, Idgah Road, Delhi-110006.	First Appellate Authority under RTI Deputy Commissioner / S. P. Zone, North Delhi Municipal Corporation, S. P. Zone, Zonal Office, Sadar Thana, Idgah Road, Delhi- 110006.
Public Information Officer under RTI Assistant Commissioner / S. P. Zone, North Delhi Municipal Corporation, S. P. Zone, Zonal Office, Sadar Thana, Idgah Road, Delhi-110006.	Shri Tara Chand Gupta President – Inderprastha Sewa Sangh, 91, Crockery Market, Sadar Bazaar, Delhi-110006.