



**Hand Book on  
RIGHT TO INFORMATION  
For  
Officers & Staff Members of  
NDMC**



Prepared by

**Dr. K. B. Rai  
Consultant**

**New Delhi Municipal Council,  
Palika Kendra, New Delhi.  
July, 2015**

**Naresh Kumar,**  
IAS  
**Chairman**

**New Delhi Municipal Council,**  
**Palika Kendra, New Delhi**  
Dated 29<sup>th</sup> July,2015

### **Message**

I am glad to know that New Delhi Municipal Council has brought out a “Hand Book on Right to Information” for the benefit of its officers and staff members. It focuses upon the role and responsibility to be performed by various officers designated to implement the Right to Information Act, 2005 and provides useful tips to handle RTI applications and appeals.

I wish that all the officers and staff members will take advantage of the Hand Book and implement the Right to Information Act, in its letter and spirit.

**(Naresh Kumar)**  
**Chairman**

**Nikhil Kumar,**  
IAS  
**Secretary**

**New Delhi Municipal Council,**  
**Palika Kendra, New Delhi**  
Dated 28<sup>th</sup> July,2015

### **Message**

It is a pleasure to learn that that New Delhi Municipal Council has brought out a “Hand Book on Right to Information” for the benefit of its officers and staff. It well defines the role and responsibility to be performed by Assistant Public Information Officers, Public Information Officers, first Appellate Authorities and the Public Authority. It provides useful guidelines about the important provisions of the RTI Act and how to implement it along with gist of important decisions of the Central Information Commission.

I hope that the officers and staff members of NDMC will have the benefit of the Hand Book in implementation of the RTI Act, in a fair and judicious manner.

**(Nikhil Kumar)**  
**Secretary**

**RAMANAND BHAGAT,  
Director (Personnel)**

**New Delhi Municipal Council,  
Palika Kendra, New Delhi  
Dated 28<sup>th</sup> July,2015**

## **Foreword**

Right to Information Act enacted by the Government of India has been widely applauded as a tool to bring openness and transparency in the working of government organizations. It is a very progressive legislation which entitles the citizens of India to get most of the information as a matter of right from any of the Public Authorities, in a time bound manner. It also provides for dissemination of maximum information *suo-motu* so that citizens have not to resort to filing of applications for routine and repetitive information. The Act sets out a practical regime to secure access to information to promote transparency and accountability in the working of Public Authorities. The process of seeking information and filing appeals is quite simple.

The Act provides for stringent penalty provisions for delay or denial of information. The Central Information Commission has powers not only to dispose of appeals & penalize the defaulting officers but also to grant compensation to the aggrieved applicants. The decisions of the Central Information Commission help in determining as to what ought to be disclosed and what is exempted under this Act.

Dr. K. B. Rai, Consultant, NDMC has compiled this Hand Book which provides important provisions of RTI in a lucid form. It also contains a gist of important decisions of the Central Information Commission, related to NDMC activities. References about some of the judgments of High Courts and Supreme Court of India have also been provided. I hope this Hand Book will serve as a useful tool to the Public Information Officers and first Appellate Authorities of NDMC and others who have to implement the RTI Act.

**(RAMANAND BHAGAT)  
Director (Personnel)**

# Index

	<b>Contents</b>	<b>Page No</b>
1	Salient Features of the Act	1
2	Important Provisions of the Act	5
3	Right to Information Rules, 201	11
4	Role and Responsibility of Assistant Public Information Officer	14
5	Role and Responsibility of Public Information Officer	15
6	Role and Responsibility of first Appellate Authority	20
7	Role and Responsibility of Public Authority	22
8	Important Decisions of Central Information Commission related to NDMC & others relevant to NDMC	27
9	References of High Court & Supreme Court Cases	65
10	Department wise list of APIOs/PIOs/first Appellate Authorities	Annexure I
11	Right to Information Rules, 2012	Annexure II

## Disclaimer

Though all possible care has been taken to ensure accuracy and consistency, in the event of a conflict between the Handbook and Government orders/ instructions/CIC Decisions and Judgments of the Honorable Courts on the subject, the latter will prevail.

Any information given herein cannot be cited in any dispute or litigation, nor is it a substitute for a legal interpretation/ evidence. The user will be solely responsible for any consequence of the decision taken on the basis of information contained in this Handbook.

### **Salient features of the Act**

The Right to Information Act has been enacted by the Parliament of India and came in to force on 12<sup>th</sup> October, 2005 to provide:

- i) for setting out the practical regime of right to information for citizens to secure access to information under the control of Public Authorities, to promote transparency and accountability in the working of every Public Authority, to keep the citizens informed;
- ii) to open a regime of transparency of information which are vital to its functioning of democracy and to contain corruption and to hold Governments and their instrumentalities accountable to the governed;
- iii) to constitute Appellate Authorities in the form of Central Information Commission and State Information Commissions for matters connected therewith or incidental thereto;
- iv) to harmonize the conflicting interests including efficient operations of the Governments, optimum use of limited fiscal resources and the preservation of confidentiality of sensitive information.

### **Salient Feature**

The salient features of the new Act, which empowers people to get information from the government organizations as a matter of right, are as under:

- a) The Act is applicable to the whole of India except the State of Jammu and Kashmir, which has enacted its own identical law. It covers almost every organization from Panchayat to Parliament.
- b) It seeks to bring openness and transparency in the working of the government organizations and gives an important right to citizens to seek information from any Public Authority which includes all government organizations, departments, local bodies, undertakings, institutions, boards, banks, companies including the Supreme Court of India, High Courts, Parliament, and State Legislative Assemblies, etc.
- c) It empowers the government to bring under its ambit bodies owned, controlled or substantially financed viz. a viz. the non-government organization substantially financed which are not yet covered.
- d) Under the definition of "right to information" the citizens can carry out inspection of works, documents, records, taking notes, extracts, certified copies of documents, sample of material and other information available in electronic mode.

- e) The definition of "Information" opens almost all records for the citizens. It means any material in any form including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a Public Authority under any other law for the time being in force except certain items exempted under the law.
- f) As per decision of the Central Information Commission "File Noting" cannot be denied unless they pertain to exempted items being dealt there.
- g) It provides for withholding information in areas such as – concerning security and integrity of India, privilege of Parliament/ State Legislature, confidential information received from foreign governments, or information that may lead to unwarranted invasion of the privacy of individual, forbidden to be published by court of law, cabinet papers, infringement of copyright, etc.
- h) Citizens who are below poverty line have not to pay any fee for application, while others have to pay a nominal fee as fixed by the respective governments.
- i) Senior officers are required to be designated as Public Information Officers who would be responsible for disposal of requests received under the Act and provide information. Other officers associated in the disposal of such requests are deemed Public Information Officers and accountable for the lapses.
- j) It provides for designation of Assistant Public Information Officer who should be available at Sub-Divisional/Sub-District office to facilitate receipt of applications and appeals, near the doorsteps.
- k) It mandates to provide assistance to citizens in writing down their requests and filing of application if they are unable to do so.
- l) The Public Information Officer cannot ask reasons for seeking information from the applicants, nor can he question the *locus standi* of the applicant.
- m) The information sought by the applicant is to be supplied in a time bound manner. RTI applications about life or liberty cases have to be disposed of within 48 hours while in other cases the information or decision has to be given in a period of 30 days. Five days shall be added to the above response time, in case the application for information is given to Assistant Public Information Officer of another Public Authority. In case the applicant seeks third party information the time frame for disposal of such request is 40 days.

- n) Failure to provide information within the specified period is a deemed refusal and the applicants can file appeal with the Appellate Authorities.
- o) Information shall be given free of cost if the Public Information Officer fails to comply with the prescribed time limit.
- p) It provides for placing lot of information *suo motu* in public domain through web site/publications, etc.
- q) It exempts some of the intelligence and security organizations established by the Central/State Governments. However, in their case the information relating to allegation of corruption and human rights violation is not exempted. Applications relating to human rights violation have to be decided within 45 days, with the prior approval of the Central/State Information Commission.
- r) The Act safeguards the interest of third party. If the information provided by third party to government agencies/department has been treated as confidential by the third party then the same can be given only after giving an opportunity to the third party to give his representation against the proposed disclosure, if any, before deciding the application on merits.
- s) The Act provides for two-tier system for appeals. First appeal can be filed before a designated officer senior in rank to the Public Information Officers in the concerned Public Authority within 30 days from the expiry of the prescribed time limit or from the receipt of the decision.
- t) Second appeal can be preferred to the Central/State Information Commission within 90 days of the date on which the decision was given or should have been made by the first Appellate Authority. Without filing first appeal one cannot go to the Central/State Information Commission in second appeal.
- u) The Act provides for constitution of a Central Information Commission at the centre and State Information Commissions in the States. In the case of Union Territories appeals can be filed before the Central Information Commission.
- v) The Central Information Commission is headed by Chief Information Commissioner having the status equivalent to the Chief Election Commissioner and can have up to 10 Information Commissioners having the status equivalent to Election Commissioner to assist him. The State Information Commission is headed by a State Chief Information Commissioner having the status equivalent to Election Commissioner and can have up to 10 State Information Commissioners having the status of Chief Secretary.



- w) These Commissions have been given wide powers to attend to complaints, appeals etc. filed by the citizens. They have been given powers for summoning and enforcing attendance of persons, compelling them to give oral or written evidence on oath and to produce documents or things, requiring the discovery and inspection of documents, receiving evidence on affidavit, requisitioning public records or copies from any court or office etc.
- x) The Commission can impose penalty upon the Public Information Officer in case of delays or denial of information mala fide @ Rs. 250/- per day subject to maximum of Rs. 25,000/-. In the event of persistent default they can order institution of disciplinary cases against the officers. Burden of proving that denial of information was justified lies with the concerned officers.
- y) The Commissions are empowered to give compensation to people who have suffered on account of information not being provided. The onus is on the applicant to prove that he has suffered on account of non- supply of information.
- z) The Act empowers the Central and State governments viz-a-viz the Competent Authorities to frame the rules for fixation of fee and any other matter which are required to be or may be prescribed for the smooth implementation of the act.

The Act has overriding effect over other legislation making it further powerful.

**Important RTI web sites**

<http://www.cic.gov.in>

<http://rti.gov.in>

<https://rtionline.gov.in/RTIMIS/login/index.php>

<http://delhigovt.nic.in/rti/default.asp>

## **Important Provisions of the Act**

The following are the important provisions of the Act which should be kept in view while handling RTI applications and appeals:

### **Definition of Information**

As per Section 2 (f) information includes anything which is available in any material form. It includes records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form. It includes information relating to any private body which can be accessed by the Public Authority under any law for the time being in force.

Information relating to interrogative questions such as what, when, why, where, how, etc. which is not available in material, is not covered under the definition of 'information'. Interpretation of rules, regulations and laws etc. is also not covered under the definition of 'information'.

### **Definition of Right to Information**

A citizen can seek such information from a Public Authority as a matter of right, which is held by the Public Authority or which is held under its control. As per Section 2(j) right to information includes inspection of work, documents and records; taking notes, extracts or certified copies of documents or records; and taking certified samples of material held by the Public Authority or held under the control of the public authority. It can be provided subject to provisions of Sections 8 and 9 of the Act.

However, the Public Information Officer is not supposed to create information that is not a part of the record of the public authority. A citizen can also seek information from a Public Authority in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through print-outs provided such information is already stored in a computer or in any other device.

As per Section 7(9) the information should ordinarily be provided in the form in which it is sought. However, if the supply of information sought in a particular form which would disproportionately divert the resources of the Public Authority or may cause harm to the safety or preservation of the records, supply of information in that form may be denied. In such cases the applicant may be advised to inspect the records and identify the information which he wants.

The form in which it is sought simply means that if the information is sought in the form of photocopy, it shall be provided in the form of photocopy, or if it is sought in the form of a floppy or in any other electronic mode, it shall be provided in that form, subject to the conditions given in the Act. It does not mean that the Public Information Officer shall re-shape the information as per request of the applicant.

The Act, however, does not require the Public Information Officer to deduce some conclusion from the 'material' and supply the 'conclusion' so deduced to the applicant. The Public Information Officer is required to supply the 'material' in the form as held by the Public Authority.

### **'NDMC' a Public Authority**

A "public authority" is any authority or body or institution of self-government established or constituted by or under the Constitution; or by any other law made by the Parliament or a State Legislature; or by notification issued or order made by the Central Government or a State Government. The bodies owned, controlled or substantially financed by the Central Government or a State Government is also Public Authorities. Non-Government organizations substantially financed by the Central Government or a State Government also fall within the definition of public authority.

Since NDMC has been set up under a legislation passed by the Parliament, it is a Public Authority for the purpose of RTI Act.

NDMC has been held to be a single Public Authority as per decision of CIC in the matter of Shri R. Sharma vs New Delhi Municipal Council (NDMC); Appeal No. CIC/WB/A/2007/ 00066 dated 18.1.2007.

### **Citizen of India**

Section 3 of the Act gives the right to information to the citizens of India. It does not make provision for giving information to Corporations, Associations, and Companies etc. which are legal entities/persons. However, to facilitate the process, the Central Information Commission has held that where an application is made by an employee or office-bearer of any Corporation, Association, Company, NGO etc. indicating his name and such employee/office bearer is a citizen of India, information may be supplied. Likewise, where an employee or an officer applies on its letter head and gives his designation, his application may not be rejected.

### **Designated Officers for implementation of the Act**

The Act provides for designation of three types of officers, by the Public Authorities, for the implementation of the provisions of the Act namely –Assistant Public Information Officer, Public Information Officer & first Appellate Authority. A list of designated officers by NDMC is at Annexure I.

### **Assistant Public Information Officers**

These are officers designated under Section 5(2) of the Act, at sub-divisional level to whom a person can give his RTI application or appeal. These officers send the applications or appeals to the Public Information Officers of the Public Authority or the concerned Appellate Authorities, within five days. However, an Assistant Public Information Officer is not responsible to supply the information.

More than 4000 Assistant Public Information Officers have been appointed by the Department of Posts in various post offices who are working as Assistant Public Information Officers for all the Public Authorities under the Government of India.

### **Public Information Officers**

Public Authorities have to designate some of its officers as Public Information Officers under Section 5(1) of the Act. They are the nodal officers responsible to adjudicate upon the RTI applications and provide information to the applicants which is permissible under the RTI Act. They perform quasi-judicial functions.

Central Information Commission has recommended under Section 25(5) of the RTI Act that the Chairperson, NDMC should ensure that only those officers who are either of the rank of Under Secretary or above this rank are designated as Public Information Officers. This has been recommended in the matter of Shri Mahatma Mahto vs Law Department, New Delhi Municipal Council; File No: CIC/AD/A/2011/001638.

### **Deemed/Treated as Public Information Officers**

The Public Information Officer may seek the assistance of any other officer as considered necessary for the proper discharge of his duties, as per Section 5(4) of the Act. Any officer, whose assistance has been sought shall render all assistance to the Public Information Officer seeking his or her assistance and for the purposes of any contravention of the provisions of this Act, such other officer shall be treated as a Public Information Officer.

The officers and staff members who have not been designated as Public Information Officers may note that in case they are required to supply any RTI information to Public Information Officer they become deemed Public Information Officer and accountable for delays, if any and consequent penal provisions.

### **First Appellate Authorities**

First Appellate Authorities have to be designated by the Public Authorities for the purpose of attending to first appeal within the Public Authority. Section 19(1) provides for preferring an appeal to such officer who is senior in rank to Public Information Officer in each Public Authority if aggrieved of the decision of the Public Information Officer or if applicant has not received a decision within the time specified under the Act.

### **Filing of Application**

There is no prescribed format for filing RTI application, for seeking information, barring a few states. The application can be made on plain paper in English or Hindi. It can also be made through e-mail. The applicant should mention the address at which the information is required to be sent. Information seeker is not required to give reasons for seeking information or his *locus standi*.

### **Time Frame for disposal of RTI applications**

Different time periods have been fixed for disposal of RTI applications under the Act, viz-

- a) 30 days for normal applications;
- b) 48 hours for applications concerning life or liberty of a person;
- c) 35 days if the RTI request has been transferred by another Public Authority;
- d) 40 days in the case of third party information; and
- e) 45 days in respect of information concerning human rights violations, in respect of exempted organizations (Not applicable to NDMC).

### **Information Exempted From Disclosure**

There shall be no obligation to give the following information to any citizen as per Section 8(1)—

(a) information, disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State, relation with foreign State or lead to incitement of an offence;

(b) information which has been expressly forbidden to be published by any court of law or tribunal or the disclosure of which may constitute contempt of court;

(c) information, the disclosure of which would cause a breach of privilege of Parliament or the State Legislature;

(d) information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information;

(e) information available to a person in his fiduciary relationship, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information;

(f) information received in confidence from foreign Government;

(g) information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes;

(h) information which would impede the process of investigation or apprehension or prosecution of offenders;

(i) cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other officers:

Provided that the decisions of Council of Ministers, the reasons thereof, and the material on the basis of which the decisions were taken shall be made public after the decision has been taken, and the matter is complete, or over:

Provided further that those matters which come under the exemptions specified in this Section shall not be disclosed;

(j) information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the Appellate Authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information:

The thumb rule is that the information which cannot be denied to the Parliament or a State Legislature shall not be denied to any person and vice-versa.

### **Infringement of copyright**

Section 9 of the Act provides that Public Information Officer may reject a request for information where such a request for providing access would involve an infringement of copyright subsisting in a person. But such information about State may not be denied.

### **20 years old information**

Information which, in normal course, is exempt from disclosure under Section 8(1) of the Act would cease to be exempted if 20 years have lapsed after occurrence of the incident to which the information relates. But the following three types of information would continue to be exempt even after lapse of 20 years:

- (i) Information, disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interest of the State, relation with foreign state or lead to incitement of an offence;
- (ii) Information, the disclosure of which would cause a breach of privilege of Parliament or State Legislature; or
- (iii) cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other Officers subject to the conditions given in proviso to clause (i) of sub-Section(1) of Section 8 of the Act.

### **Third Party Information**

Third party in relation to the Act means a person other than the citizen making a request for information. The definition of third party includes a Public Authority other than the Public Authority to which the request has been made.

Information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, is exempt from disclosure. Such information should not be disclosed unless the Competent Authority is satisfied that larger public interest warrants the disclosure of such information.

The third party should be given an opportunity to present his case in person, so that he can defend his case for non-disclosure, if he desires that the information should not be disclosed.

### **Appeals**

The Act provides for appeal at two levels. The first appeal lies within the Public Authority before the first Appellate Authority and the second appeal can be filed with the Central/ State Information Commission.

**First appeal:** If an applicant is not supplied information within the prescribed time of or is not satisfied with the information furnished to him, he may prefer an appeal to the first Appellate Authority who is an officer senior in rank to the Public Information Officer. Such an appeal should be filed within a period of thirty days from the date on which the limit of 30 days of supply of information is expired or from the date on which the information or decision of the Public Information Officer is received.

The first Appellate Authority shall dispose of the appeal within a period of thirty days or in exceptional cases within 45 days of the receipt of the appeal.

**Second appeal:** If the first Appellate Authority fails to pass an order on the appeal within the prescribed period or if the appellant is not satisfied with the order of the first Appellate Authority, he may prefer a second appeal with the Central/ State Information Commission within ninety days from the date on which the decision should have been made by the first Appellate Authority or was actually received by the appellant.

No time frame has been fixed for disposal of second appeal.

### **Complaints**

A complaint can be filed to the Central/State Information Commission under Section 18 of the Act, on any of the following grounds, by any person:

- a) who has been unable to submit a request to a Central Public Information Officer or State Public Information Officer, as the case may be, either by reason that no such officer has been appointed under this Act, or because the Central Assistant Public Information Officer or State Assistant Public Information Officer, as the case may be, has refused to accept his or her application for information or appeal under this Act for forwarding the same to the Central Public Information Officer or State Public Information Officer or senior officer specified in sub-Section (1) of Section 19 or the Central Information Commission or the State Information Commission, as the case may be;
- (b) who has been refused access to any information requested under this Act;
- (c) who has not been given a response to a request for information or access to information within the time limit specified under this Act;
- (d) who has been required to pay an amount of fee which he or she considers unreasonable;
- (e) who believes that he or she has been given incomplete, misleading or false information under this Act; and
- (f) in respect of any other matter relating to requesting or obtaining access to records under this Act.

### **Imposition of Penalty for delay & malafide denial of information**

Where the Information Commission at the time of deciding any complaint or appeal is of the opinion that the Public Information Officer has without any reasonable cause, refused to receive an application for information or has not furnished information within the time specified or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall impose a penalty of two hundred and fifty rupees each day till application is received or information is furnished subject to the condition that the total amount of such penalty shall not exceed twenty five thousand rupees.

The Public Information Officer shall, however, be given a reasonable opportunity of being heard before any penalty is imposed on him. The burden of proving that he acted reasonably and diligently and in case of denial of a request that such denial was justified shall be on the Public Information Officer.

### **Disciplinary Action for persistent failure without reasonable cause**

Where the Information Commission at the time of deciding any complaint or appeal is of the opinion that the Public Information Officer has without any reasonable cause and persistently, failed to receive an application for information or has not furnished information within the time specified or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it may recommend disciplinary action against the Public Information Officer.

**Protection for work done in good faith**

The Act provides that no suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under the Act or any rule made there under.

**Overriding effect of RTI Act**

The RTI Act shall have effect notwithstanding anything inconsistent therewith contained in the Official Secrets Act, 1923, and any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act. It implies that if any of the provisions of the RTI Act are not consistent with any other law for the time being in force including the Official Secrets Act, 1923, the provisions of the RTI Act would have effect.

**Number of Application Received in NDMC**

The numbers of applications received in NDMC during last five years are as under:

<b>Year</b>	<b>Total No. of RTI Requests received</b>
01.04.2010 to 31.03.2011	4898
01.04.2011 to 31.03.2012	7694
01.04.2012 to 31.03.2013	6111
01.04.2013 to 31.03.2014	4665
01.04.2014 to 31.03.2015	1978



## **Right to Information Rules, 2012**

Right to Information Rules, 2012 have been formulated by the Central Government to regulate matters concerning fee and appeals lying before the Central Information Commission. A copy is attached as Annexure II. These Rules have been made in supersession of Right to Information (Regulation of Fee and Costs) Rules, 2005 and Central Information Commission (Appeal Procedure) Rules, 2005.

### **Application Fee for Seeking Information**

A citizen is required to pay a fee of Rs.10/- along with the application in the form of a demand draft or a bankers cheque or an Indian Postal Order payable to the Accounts Officer of the Public Authority as fee prescribed for seeking information. The payment of fee can also be made by way of cash to the Public Authority or to the Assistant Public Information Officer, against a proper receipt.

### **Fee for providing information**

The applicant may also be required to pay further fee towards the cost of providing the information, details of which shall be intimated to the applicant by the Public Information Officer as prescribed in the Rules, which are given below:

- (a) Rupees two (Rs. 2/-) for each page (in A-3 or smaller size paper);
- (b) actual cost or price of a photocopy in larger size paper;
- (c) actual cost or price for samples or models;
- (d) Rupees fifty (Rs.50/-) per diskette or floppy; and
- (e) price fixed for a publication or rupees two per page of photocopy for extracts from the publication.
- (f) so much of postal charges involved in supply of information that exceeds fifty rupees.

### **Fee for Inspection**

A citizen has a right to inspect the records of a public authority. For inspection of records, the Public Authority shall charge no fee for the first hour. But a fee of rupees five (Rs.5/-) for each subsequent hour (or fraction thereof) shall be charged.

### **No Fee for BPL applicants**

Applicants belonging to below poverty line (BPL) category are not required to pay application fee or fee for providing information. They should, however, produce a copy of proof issued by the appropriate government, in support of their claim as BPL.

The application not accompanied by the prescribed fee of Rs.10/- or proof of the applicant's belonging to below poverty line category, as the case may be, shall not be a valid application under the Act.

### **Limitation of 500 words**

An application under sub-Section (1) of Section 6 of the Act shall ordinarily not contain more than five hundred words, excluding annexure, containing address of the Central Public Information Officer and that of the applicant. However, no application shall be rejected only on the ground that it contains more than five hundred words.

**Appeal Rules**

It also lays down appeal rules applicable for filing appeals before the Central Information Commission and their disposal by the Commission. Details are given in Annexure II.

### **Role and Responsibility of Assistant Public Information Officer**

The role and responsibility of Assistant Public Information officer as per Section 5(2) of the Act is to:

- a) Receive RTI applications and appeals
- b) Transmit the same to the Public Information Officers or Appellate Authorities, as the case may be, within five days
- c) Inform the applicant about the transfer of his application/appeal.

He shall render any assistance to the Public Information officer, if so asked for and in providing information relating to his own desk/branch to the Public Information officer. But Assistant Public Information officer is not supposed to respond to RTI applications as a quasi-judicial function.

#### **Activity Plan**

The Assistant Public Information Officer should go through the RTI application/appeal at each stage itself and find out:

- Whether RTI application is accompanied with fee or proof of BPL category, if not it cannot be treated as RTI application;
- Whether it pertains to one or more Public Information officers/ Public Authorities, if so identify them;
- Whether appeal pertains to their own Appellate Authority or to Central/State Information Commission

The Assistant Public Information Officer should take the following steps to:

- Forward the application/appeal to concerned authorities through a covering letter, within five days;
- Inform the authorities about the details of fee, if received in cash such as amount of fee deposited, receipt number and date vide which fee paid;
- Forward the Postal Order/demand draft/bankers cheque along with the application, if so received;
- Endorse a copy of the forwarding letter to the concerned applicant/appellate for his information and appropriate action;
- Keep record of all such applications/appeals and their dispatch movement/records etc.
- Send such applications/appeals under registered AD or speed post to other Public Authorities/Appellate Authorities, as far as possible, so that documentary evidence is available with the organisation.

- 

### **Role and Responsibility of Public Information Officer**

The Public Information Officer plays a pivotal role in the implementation of the Act, in letter and spirit. They have not only to dispose of the request in a time bound manner but also ensure that the requisite information as can be provided, as per provisions of the Act, is collected, compiled, collated, examined and provided, within the specified time frame.

#### **Activity Plan**

The Public Information Officer should go through the RTI application at dak stage itself and find out:

- Whether RTI application is accompanied with fee, if not it cannot be treated as RTI application;
- Whether it pertains to one or more Public Information Officers or Public Authorities, if so identify them and transfer it or part thereof promptly;
- Whether it pertains to Life or Liberty or is an ordinary request. If it pertains to life or liberty it should be handled promptly as the time frame is just 48 hours;
- Whether it pertains to third party information, if so give notice to third party within five days;
- Whether it requires collection of information from various branches/sections/units within the Public Authority, if so transmit it to concerned sections/branches/units etc. and enlighten them that they shall be treated as deemed PIO;
- Whether it pertains to organizations exempted under Section 24 of the Act.
- Monitor the progress of cases referred to other officers/units/branches, etc.

#### **Applications Received Without Fee**

The Public Information Officer should check whether the applicant has made the payment of application fee or whether the applicant is a person belonging to a Below Poverty Line (BPL) category. If application is not accompanied by the prescribed fee or the BPL certificate, it cannot be treated as an application under the RTI Act. It may, however, be advisable that the Public Information Officer should consider such an application sympathetically and try to supply information sought by way of such an application.

#### **Transfer of application within the same Public Authority**

An application received by the Public Information Officer other than the concerned Public Information Officer, within the same Public Authority, should transfer it or part of it to the concerned Public Information Officer immediately, preferably the same day.

Time period of five days for transfer of the application applies only when the application is transferred from one Public Authority to another Public Authority and not for transfer from one Public Information Officer to another within the same public authority.

#### **Rendering Assistance to Applicants**

The Public Information Officer shall render reasonable assistance to the persons seeking information. As per provisions of the Act, a person, who desires to obtain any information, is required to make a request in writing or through electronic means in English or Hindi or in the

official language of the area in which the application is made. If a person seeking information is not able to make such request in writing, the Public Information Officer should render reasonable assistance to him to reduce the same in writing.

Where access to a record is required to be provided to a sensorily disabled person, the Public Information Officer should provide assistance to such person to enable him to access the information. He should also provide such assistance to the person as may be appropriate for the inspection of records where such inspection is involved.

### **Assistance of Deemed Public Information Officer**

The Public Information Officer may seek assistance of any other officer as he or she considers necessary for the proper discharge of his or her duties. The officer, whose assistance is so sought by the Public Information Officer, would render all assistance to him. Such an officer shall be deemed to be a Public Information Officer and would be liable for contravention of any provisions of the Act the same way as any other Public Information Officer.

But the Act does not give him authority to designate any other officer as Public Information Officer and direct him to send reply to the applicant on his behalf. It would be advisable for the Public Information Officer to inform the officer whose assistance is sought, about the above provision, at the time of seeking his assistance.

The provision implies that, if the officer whose assistance is sought by the Public Information Officer, does not render necessary help to him, the Information Commission may impose penalty on such officer or recommend disciplinary action against him/her the same way as the Commission may impose penalty on or recommend disciplinary action against the Public Information Officer.

### **Supply of Information**

The Public Information Officer should check whether the information sought or a part thereof is exempt from disclosure under Section 8 or Section 9 of the Act. Request of information in respect of the part of the application which is so exempt may be rejected and rest of the information should be provided immediately or after receipt of additional fees, as the case may be.

Where a request for information is rejected, the Public Information Officer should communicate to the person making the request—

- (i) the reasons for such rejection;
- (ii) the period within which an appeal against such rejection may be preferred; and
- (iii) the particulars of the authority to whom an appeal can be made.

If additional fee is required to be paid by the applicant as provided in the Right to Information Rules, 2012 the Public Information Officer should inform the applicant:

- (i) the details of further fees required to be paid;
- (ii) the calculations made to arrive at the amount of fees asked for;
- (iii) the fact that the applicant has a right to make appeal about the amount of fees so demanded;
- (iv) the particulars of the authority to whom such an appeal can be made; and
- (v) the time limit within which the appeal can be made.

Though there is no hard and fast rule as to when exactly intimation about additional fees is to be given to the applicant, such intimation should be given soon after receipt of RTI application.

**Supply of Part Information by Severance**

Where a request is received for access to information which is exempt from disclosure but a part of which is not exempt, and such part can be severed in such a way that the severed part does not contain exempt information then, access to that part of the information/record may be provided to the applicant as per Section 10 of the Act.

Where access is granted to a part of the record in such a way, the Public Information Officer should inform the applicant that the information asked for is exempt from disclosure and that only part of the record is being provided, after severance, which is not exempt from disclosure. While doing so, he should give the reasons for the decision, including any findings on any material question of fact, referring to the material on which those findings were based.

**Maximum Time Period for Supply of Information**

The following table shows the maximum time (from the date of receipt of application) which may be taken to dispose of the applications in different situations:

Sl. No	Type of request	Time frame
1	Supply of information in normal course	30 days
2	Supply of information if the application is received through APIO of the same Public Authority	30 days
3	Supply of information if the application is received through APIO of some other Public Authority	35 days
4	Supply of information if it concerns the life or liberty of a person	48 hours
5	Supply of information if it concerns third party	40 days
6	Supply of information concerning human right violation by organizations specified in the Second Schedule	45 days with the approval of concerned CIC/SIC
7	Supply of information concerning allegation of corruption by organizations specified in the Second Schedule	30 days

**Supply of information where the applicant is asked to pay additional fee:**

The period intervening between informing the applicant about additional fee and the receipt of such fee by the Public Authority shall be excluded for calculating the period of reply.

**Deemed Refusal & Supply of information Free of cost**

If the Public Information Officer fails to give decision on the request for information within the prescribed period, he shall be deemed to have refused the request. It is pertinent to note that if a Public Authority fails to comply with the specified time limit, the information to the concerned applicant would have to be provided free of charge.

### **Disclosure of Third Party Information**

Where an applicant seeks information which relates to or has been supplied by a third party and that third party has treated that information as confidential, the Public Information Officer shall consider whether the information should be disclosed or not.

The guiding principle in such cases is that except in the case of trade or commercial secrets protected by law, disclosure may be allowed if the public interest in disclosure outweighs in importance any possible harm or injury to the interests of such third party.

In third party information cases the Public Information Officer should follow the following procedure before disclosing such information:

- a) Where the Public Information Officer intends to disclose the information, he shall within five days from the receipt of the application, give a written notice to the third party that the information has been sought by the applicant under the RTI Act and that he intends to disclose the information.
- b) He shall request the third party to make a submission in writing or orally, regarding whether the information may be disclosed.
- c) The third party shall be given a time of ten days, from the date of receipt of the notice by him, to make representation against the proposed disclosure, if any.
- d) The third party shall be given an opportunity of hearing and if the applicant does not avail of this opportunity, the Public Information Officer may not wait and proceed further.
- e) The Public Information Officer shall make a decision regarding disclosure of the information keeping in view the submission of the third party.
- f) Such a decision should be taken within forty days from the receipt of the request for information.
- g) After taking the decision, the Public Information Officer should give a notice of his decision to the third party in writing.
- h) The notice given to the third party should include a statement that the third party is entitled to prefer an appeal under Section 19 against the decision.
- i) Where an appeal has been filed by the third party against the decision of the Public Information Officer to disclose the third party information, the information should not be disclosed till the appeal is decided.
- j) Where the third party goes in second appeal before the Information Commission, the information should still not be disclosed till the second appeal is decided.

### **Appeal by third party**

The third party may prefer an appeal to the first Appellate Authority against the decision made by the Public Information Officer within thirty days from the date of the receipt of notice.

If not satisfied with the decision of the first Appellate Authority, the third party can prefer a second appeal to the Information Commission.

### **Commercial confidence, trade secrets or intellectual property exempt from disclosure**

Information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, is exempt from disclosure. Such information shall not be disclosed unless the Competent Authority (in the case of Union Territory

of Delhi, the Lt. Governor) is satisfied that larger public interest warrants the disclosure of such information.



## **Role and Responsibility of first Appellate Authority**

The first Appellate Authority performs quasi-judicial functions under the RTI Act. He has to judicially decide whether the information sought can be provided or not. He needs to apply his mind in an independent and impartial manner. The independent and judicious examination of appeals by the first Appellate Authorities would lead to lesser number of second appeals before the Central Information Commission. It would also reduce the workload of NDMC such as preparation of comments on appeals filed before the Commission, appearance before the Commission time and again and above all save the Officers and staff from the penal provisions.

### **First Appeal**

The first appeal can be filed on the grounds that:

- a) the applicant has not received information or decision about rejection of request or communication about payment of additional fee within the specified time;
- b) the applicant is aggrieved by the decision of the Public Information Officer regarding supply of information or the quantum of fee decided by the Public Information Officer.

The applicant may prefer the first appeal within thirty days from the expiry of such period or from the receipt of such a decision of the Public Information Officer.

The first Appellate Authority may admit the appeal after expiry of the period of thirty days if he or she is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

A third party can also prefer an appeal to the first Appellate Authority against the order of the Public Information Officer to disclose third party information. Such an appeal shall be made within thirty days from the date of the order.

### **Disposal of Appeal**

While disposing of first appeals, the first Appellate Authority may call comments of the Public Information Officer and hear both the parties. The appellant shall be given an opportunity of hearing and if the appellant does not avail of this opportunity, the Appellate Authority may proceed further.

The order passed by the first Appellate Authority should be a detailed and speaking order, giving justification for the decision arrived at.

Where an Appellate Authority while deciding an appeal comes to a conclusion that the appellant should be supplied information in addition to what has been supplied by the Public Information Officer, he may

- (i) pass an order directing the Public Information Officer to give such information to the appellant; or
- (ii) he himself may provide information to the appellant.

In the first case the Appellate Authority should ensure that the information ordered by him to be supplied is provided to the appellant immediately. It would, however, be better if the Appellate

Authority chooses the second course of action and he himself furnishes the information along with the order passed by him in the matter.

Where the Public Information Officer does not implement the order passed by the first Appellate Authority and the Appellate Authority feels that intervention of higher authority is required to get his order implemented, he should bring the matter to the notice of the senior officers in the Public Authority competent to take action against the Public Information Officer. Such competent officer shall take necessary action so as to ensure implementation of the provisions of the RTI Act.

**Time limit for disposal of appeal**

The first Appellate Authority should dispose of the appeal within 30 days of receipt of the appeal. In some exceptional cases, the first Appellate Authority may take 45 days for its disposal. However, in such cases, the first Appellate Authority should record, in writing, the reasons for not deciding the appeal within 30 days.

## **Role and Responsibility for Public Authority**

Public Authorities are the repository of information which the citizens have a right to access under the Act. The Act casts important obligations on Public Authorities so as to facilitate the citizens to access the information held under their control in hassle free manner. As such they are required to comply with the provisions of the Act, as discussed here under:

### **Computerization and Indexing of Records**

Section 4(1) (a) provides that the records should be duly catalogued and indexed in such a manner and form that it may facilitate the right to information. As such steps need to be taken by various Department of NDMC to computerize and index the records in a time bound manner.

### **Weeding out of unwanted records as per Record Retention Schedule**

It is advisable to make the records slim and trim and weed out the unwanted records so as to make it handy. The Act does not require the Public Authorities to retain records for indefinite period. The records need be retained as per the Record Retention Schedule applicable to the concerned Public Authority.

### **Need for preparation of Record Retention Schedules**

Record Retention Schedules can be prepared by the respective Public Authorities under the provisions of Public Record Act 1993 and weeded out from time to time.

The following four types of Record Retention Schedules prepared by the Central Government are available which can be adopted for the activities covered under them:

- i) Record Retention Schedule Common to all Departments prepared by Department of AR & PG;
- ii) Appendix 27 of Manual of Office Procedure common to all sections;
- iii) Record Retention Schedule given in FR for accounts and financial matters;
- iv) Record Retention Schedule given in CPWD Manual I.

Each department of NDMC should prepare Record Retention Schedules for the substantive functions performed by it, if not already available, so that unwanted records can be weeded out.

### ***Suo motu* disclosure of information**

Every Public Authority should provide as much information *suo motu* to the public through various means of communications so that the public have minimum need to use the Act to obtain information. The more the information in public domain the lesser will be RTI applications.

Section 4(1) (b) of the Act, in particular, requires every Public Authority to publish following sixteen categories of information:

- (i) the particulars of its organization, functions and duties;
- (ii) the powers and duties of its officers and employees;
- (iii) the procedure followed in the decision making process, including channels of supervision and accountability;
- (iv) the norms set by it for the discharge of its functions;

- (v) the rules, regulations, instructions, manuals and records, held by it or under its control or used by its employees for discharging its functions;
- (vi) a statement of the categories of documents that are held by it or under its control;
- (vii) the particulars of any arrangement that exists for consultation with, or representation by, the members of the public in relation to the formulation of its policy or implementation thereof;
- (viii) a statement of the boards, councils, committees and other bodies consisting of two or more persons constituted as its part or for the purpose of its advice, and as to whether meetings of those boards, councils, committees and other bodies are open to the public, or the minutes of such meetings are accessible for public;
- (ix) directory of its officers and employees;
- (x) the monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its regulations;
- (xi) the budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditures and reports on disbursements made;
- (xii) the manner of execution of subsidy programmes, including the amounts allocated and the details of beneficiaries of such programmes;
- (xiii) particulars of recipients of concessions, permits or authorisations granted by it;
- (xiv) details in respect of the information, available to or held by it, reduced in an electronic form;
- (xv) the particulars of facilities available to citizens for obtaining information, including the working hours of a library or reading room, if maintained for public use;
- (xvi) the names, designations and other particulars of the Public Information Officers.

The Government of India has issued guidelines that the following categories of information may be published by the Public Authorities:

- a) Information relating to procurement
- b) Public Private Partnerships
- c) Transfer Policy and Transfer Orders
- d) RTI Applications
- e) CAG & PAC paras
- f) Citizens Charter
- g) Discretionary and Non-discretionary grants
- h) Foreign Tours of PM/Ministers and senior officers

In addition, the NDMC may prescribe other categories of information to be published by any of its departments/institutions/units etc.

As provided in Section 4, disclosure should be made in as many mediums as feasible such as notice boards, newspapers, public announcements, media broadcast, the internet or any other means.

Every Public Authority should keep in view that proactive disclosures on its website are complete and updated regularly, easily accessible, technology and platform neutral and in a form which conveys the desired information in an effective and user-friendly manner.

### **Designation of PIOs and APIOs**

Every Public Authority is required to designate Public Information Officers in all the administrative units or offices under it. Every Public Authority is also required to designate Assistant Public Information Officers at each sub-divisional level.

### **Designation of Appellate Authority**

Section 7(8) of the RTI provides that where a request for information is rejected, the Public Information Officer shall, inter-alia; communicate the particulars of the Appellate Authority to the person making the request. All the Public Authorities should designate the first Appellate Authorities and publish their particulars along with the particulars of the Public Information Officers.

### **Designation of Link Officer**

As the RTI work needs to be disposed of within the prescribed time frame, it would be ideal to designate link officers for APIO/PIO and first Appellate Authority so that the work can be looked after by them in the event of non availability of the concerned designated officers.

### **Acceptance of Fee**

As per the Right to Information Rules, 2012, an applicant can make payment of fee in cash to the Public Authority or APIO or by demand draft or banker's cheque or Indian Postal Order payable to the Accounts Officer of the public authority. The Public Authority should ensure that payment by any of the above modes is not denied or the applicant is not compelled to draw IPO etc. in the name of any officer other than the Accounts Officer. If any Public Authority does not have any Accounts Officer, it should designate an officer as such for the purpose of receiving fee under the RTI Act and Rules made there under.

An employee should always be available at an accessible place for acceptance of fee in cash against a proper receipt and the citizen should not be made to run here and there for acceptance of fee and applications/appeals.

### **Compliance of the Orders of the Information Commission**

The decisions of the Commission are binding. The Public Authority should ensure that the orders passed by the Commission are implemented in a time bound manner. If any Public Authority or a PIO is of the view that an order of the Commission is not in consonance with the provisions of the Act, it may approach the High Court by way of a Writ Petition.

### **Creation of RTI Cell**

As per Section 5(1) of the, Public Authorities are to designate as many Public Information Officers as necessary to provide information under the Act. Where a Public Authority designates more than one Public Information Officer (PIO), an applicant is likely to face difficulty in approaching the appropriate Public Information Officer. The applicants would also face problem in identifying the officer senior in rank to the Public Information Officer to whom an appeal under Section 19(1) of the Act can be made. Therefore all Public Authorities where more than one PIO has been designated should set up a RTI Cell within the organization to receive all the RTI applications and first appeals and to route them to the concerned PIOs/FAAs.

The RTI Cell needs to ensure that RTI applications and appeals received in the cell are sent to the concerned PIO/FAA the same day or at the most next day.

### **Transfer of Applications**

The Act provides that if an application is made to a Public Authority requesting for an information, which is held by another public authority; or the subject matter of which is more closely connected with the functions of another public authority, the Public Authority, to which such application is made, shall transfer the application or relevant part of it to that other Public Authority within five days from the receipt of the application. The Public Authority should sensitize its officers about this provision of the Act lest the Public Authority is held responsible for delay.

If a person makes an application to a Public Authority for information, a part of which is available with that Public Authority and the rest of the information concerns with more than one other Public Authorities, in such a case, the PIO of the Public Authority receiving the application should give information relating to it and advise the applicant to make separate applications to the concerned Public Authorities for obtaining information from them. If no part of the information sought is available with it but is concerns with more than one other Public Authorities, the PIO should inform the applicant that information is not available with the public authority and that the applicant should make separate applications to the concerned Public Authorities for obtaining information from them. However, if the details of Public Authorities who may have the information sought by the applicant are available with the PIO, such details may also be provided to the applicant.

As per guidelines of DoPT, if a person makes an application to a Public Authority for some information which is the concern of a Public Authority under any State Government or the Union Territory Administration, the Central Public Information Officer (CPIO) of the Public Authority receiving the application should inform the applicant that the information may be had from the concerned State Government/UT Administration. Application, in such a case, need not be transferred to the State Government/UT Administration.

### **Annual Report of the CIC**

The Central Information Commission is required to prepare annual reports on the implementation of the provisions of the Act. NDMC is required to collect and provide information to the Central Information Commission for preparation of the report. The report of the Commission, inter-alia, contains following information in respect of the year to which the report relates—

- (a) the number of requests made to each public authority;
- (b) the number of decisions where applicants were not entitled to access to the documents pursuant to the requests, the provisions of the Act under which these decisions were made and the number of times such provisions were invoked;
- (c) particulars of any disciplinary action taken against any officer in respect of the administration of the Act;
- (e) the amount of charges collected by each Public Authority under the Act; and
- (f) any facts which indicate an effort by the Public Authorities to administer and implement the spirit and intention of the Act.

NDMC should send necessary material to the Commission well in time. For this purpose, web based software called “RTI Annual Report Information System” is available on the website of CIC namely [www.cic.gov.in](http://www.cic.gov.in) through which Public Authorities are required to upload requisite reports on quarterly basis. It is important that the reports are uploaded regularly and on time.

### **Action on recommendations made by Commission**

If it appears to the Information Commission that a practice of a Public Authority in relation to the exercise of its functions under the Act does not conform to the provisions or spirit of the Act, it may give a recommendation to the authority specifying the steps ought to be taken for promoting such conformity. NDMC should take necessary action to bring its practice in conformity with the Act.

**Forbidden acts by Competent Authorities of Union Territories**

The Competent Authorities of the Union Territory i.e. Lt. Governor of Delhi has no powers to:

- a) Make fee rules
- b) Prescribe or alter fee fixed by the Government of India
- c) Prescribe forms for RTI applications/appeals
- d) Set up State Information Commission

### **NDMC is a single Public Authority**

Shri Wajahat Habibullah, Chief Information Commissioner held that the plea of appellant before us is that the first Appellate Authority provides him 'succor'. He has also prayed that information be provided to him in the format requested. From the response to our hearing notice received from the NDMC, it seems that Appellate Authority, Director (P-II) NDMC has no objection to hearing the appellant. Failure seems to have resulted from defective processing. The first Appellate Authority has not thus far heard this appeal, the appeal is remanded to Director (P-II) NDMC who will hear the appeal and dispose of it within 10 (ten) working days of the date of issue of this decision notice. In doing this, she will take into account the provisions of Section 7 (9) of the RTI Act 2005 which mandates as follows:

*"An information shall ordinarily be provided in the form in which it is sought."*

She will also keep in mind our decision in Er. Sarbajit Roy vs. DDA – Appeal No. 10/1/2005-CIC, decided on 20-2-2006.

11. "In this Complaint the Complainant was aggrieved that the PIO of DDA to whom he had addressed his information request had transferred his request to another PIO of DDA in accordance to "jurisdiction" assigned.....The DDA is a single public authority. Since this is a matter concerning adjustments within the same public authority Sec 6 (3) cannot apply. Accordingly the CPIO Ms. Neemo Dhar, who had received the request from the Complainant, was, as per section 7(1) of the ACT, under obligation to seek information from her colleague and provide it to the Complainant. Her colleague who was to provide the information as per Section 5(5) of the RTI ACT, would become deemed CPIO and expected to provide Ms. Dhar the information sought by the Complainant."

As the DDA in the above Decision, so the NDMC in this, is to be treated as a single public authority and PIO to whom the application is made is expected to obtain the information sought under Section 5 (4) of the RTI Act and supply the same to the applicant.

[Shri R. Sharma vs. New Delhi Municipal Council (NDMC); Appeal No. CIC/WB/A/ 2007/00066 dated 18-1-2007]

### **LG asked to find ways of better coordination between agencies**

Applicant had sought information on a number of issues. However, we are constrained to note that appellants have been put to a great deal of inconvenience because of confusion between different departments and within each of those departments regarding the ownership of information sought. Although we have not been able to identify a single authority responsible for the delays, we do not invoke sec. 20 of the RTI Act. However, a copy of this decision together with the copy of the original application and replies given by PIO and orders in first appeal may be placed before the Lt. Governor of Delhi who is requested to examine ways of better coordination between these agencies to facilitate the lives of citizens of Delhi and also specifically to better deal with applications under the RTI Act, 2005.

(Decision of Shri Wajahat Habibullah, Chief Information Commissioner)

[Ms. Meenakshi Singh vs New Delhi Municipal Council (NDMC); Appeal No.CIC/ WB/A/ 2006/00971]

### **Designate only those officers who is either of the rank of Under Secretary or above this rank as PIOs;**



### **RTI Cell to receive copies of second appeals filed before the CIC**

The Commission also directs the Chairperson, NDMC to issue directions to the RTI Cell to receive the copies of the second appeals filed before the CIC by the Appellants so that the concerned officers get sufficient time to respond to them.

The undersigned also recommends under Section 25(5) of the RTI Act that the Chairperson, NDMC ensure that only those officers who are either of the rank of Under Secretary or above this rank are designated as the CPIO and PIOs. The name and designation of the new CPIOs/PIOs may be intimated to the Commission by 30.9.11.

(Decision of Ms. Annapurna Dixit, Information Commissioner)

[Shri Mahatma Mahto vs Law Department, New Delhi Municipal Council; File No: CIC/AD/A/2011/001638]

### **Suo Motu Information as mandated is placed on the website; Chairman, NDMC is directed to streamline the processing of applications under the RTI Act**

Shri Wajahat Habibullah, Chief Information Commissioner observed that the issue before us is simple. Complainant had asked for inspection of records, only part of which has thus far been allowed. We are not satisfied with the argument that the matter concerned several departments of the NDMC. The NDMC is one Public Authority and it is the responsibility of the PIO receiving an application to collate the information sought and supply the same to the applicant. Shri Ajay Gupta, AE (Projects) NDMC and PIO will now collate the information on both questions so that complainant may inspect the full record concerned. This exercise will be completed within 15 working days.

In the prayer in her complaint before us as cited above, complainant has pleaded for publication of the information regarding construction and demolition of Chanakya Cinema under Section 4 (1) (c) and (d). The sub-sections read as under:

#### **Sec. 4 (1)**

(c) *publish all relevant facts while formulating important policies or announcing the decisions which affect public;*

(d) *provide reasons for its administrative or quasi-judicial decisions to affected persons.*

Clearly the decisions taken and policy formulated in connection with Chanakya Cinema, both for its construction and its demolition are matters of concern to the public and merit uploading on the website. In this context, at the time of placing the records before appellant for inspection the PIO would be well advised to also obtain her suggestions on the manner of so doing, since complainant is herself a seasoned planner with experience of application of the RTI Act since its inception. It is presumed that if this is done effectively, the remaining issues raised in the prayer of Ms. Gita Dewan Verma in her complaint before us and as cited above, will also be met since the School of Planning & Architecture has, according to complainant, already done considerable study on both the permission to construct and architectural facilities of the Chanakya Cinema.

Chairman, NDMC is directed to so streamline the processing of applications under the RTI Act as to obviate such a systemic failure in future and to ensure that all such information as is mandated

under Section 4 (1) sub-sections (a) (b) (c) and (d) is actually placed on the website, so that civil society is saved from the necessity of having to move applications under the RTI Act to obtain information which should normally be in the public domain.

[Ms. Gita Dewan Verma vs New Delhi Municipal Corporation (NDMC); Complaint No. CIC/WB/C/2007/00691]

### **Delay and Inaction on the PIO's part in providing the information amounts to willful disobedience of the Commission's direction**

From the facts before the Commission, it appears that you have not provided the correct and complete information within the mandated time and have failed to comply with the provisions of the RTI Act. The delay and inaction on the PIO's part in providing the information amounts to willful disobedience of the Commission's direction as well and also raises a reasonable doubt that the denial of information may be malafide. The PIO, NDMC, Navyug School Education Society, NP, Primary School, No. 1, Hanuman Rd, is hereby directed to present himself before the Commission along with his written submissions to show cause why penalty should not be imposed and disciplinary action be recommended against him under Section 20 (1) and (2) of the RTI Act.

Further, the PIO may serve this notice to such person (s) who is responsible for this delay in providing the information, and may direct them to be present before the Commission along with the PIO on the aforesaid scheduled date and time. If the information has already been supplied to the complainant, bring a copy of the same to the Commission with your written submissions, and also proof of seeking assistance from other person(s), if any.

(Decision of Shri Shailesh Gandhi, Information Commissioner)

[Mr. Shiv Kumar vs Public Information Officer, Navyug School Education Society, New Delhi Municipal Corporation; Complaint No. CIC/SG/C/2010/000993]

### **PIO to seek assistance under Section 5(4) of the RTI Act**

The PIO is directed to seek assistance under Section 5(4) of the RTI Act and provide the complete and correct information. Proof of dispatch of information to be provided to the Commission before 28/06/2010. Further, the PIO's action clearly amounts to denial of information without any reasons. The PIO is, therefore, directed to submit a written explanation to show cause as to why penalty should not be imposed and disciplinary action be recommended against him under Section 20 (1) & (2) of the RTI Act for the delay in providing the information before 28/06/2010. Any information in compliance with this order will be provided free of cost as per section 7(6) of RTI, Act, 2005.

(Decision of Shri Shailesh Gandhi, Information Commissioner)

[Mr. Devinder Nath vs PIO & Dy. Director (Estate), Estate Department-I, New Delhi Municipal Council; Complaint No. CIC/SG/C/2010/000462]

### **Seek assistance from other officers as per Section 5(4) of the RTI Act**

The PIO has not understood the queries properly and admits that most of the queries relate to the Health Department of NDMC. The PIO is warned to carefully look into the queries and provide appropriate answers and seek assistance from other officers as per Section 5(4) of the RTI Act. Any information in compliance with this Order will be provided free of cost as per Section 7(6) of RTI Act.

(Decision of Shri Shailesh Gandhi, Information Commissioner)  
[Mr. Jawahar Singh vs Public Information Officer & Dy. Director (Enforcement Department), New Delhi Municipal Council; Appeal No. CIC/SG/A/2010/001606]

### **Information to be provided in the form in which it is sought**

Shri Wajahat Habibullah, Chief Information Commissioner observed that under Sec. 7(9) of the RTI Act information is normally expected to be provided in the form in which it is sought. Appellant cannot, therefore, be faulted for having insisted on his legal right in this matter. It would, however, have been easier if he had clarified this during hearing by the First Appellate Authority or again in his second appeal before us. Nevertheless, the information sought will now be provided to appellant within ten working days of the date of issue of this decision notice. In accordance with Sec. 7(6) the information sought will now be provided free of cost.

[Shri Rakesh Sharma vs New Delhi Municipal Council (NDMC); Appeal No.CIC/WB/ A/2007/01017]

### **Information as held by or under the control of any Public Authority can constitute a Right to Information**

Under Section 2(j) of the Act, only information as held by or under the control of any public authority can constitute a right to information for which a citizen can claim access. This cannot be construed to demand creation of information as has been sought in the first case in this matter, asking measurements to be taken. Here too, even if Chief Architect is to be considered custodian of information it is not clear how he can be asked to take create information if not in his possession. The appeal in File No.CIC/WB/ A/2006/00379 is, therefore, dismissed.

With regard to appeal No.CIC/WB/A/2006/00380 the PIO has referred the applicant to the appropriate authority. Simply because the office of Chief Architect is a final authority in matters concerning design and structure of buildings, his office cannot, therefore, be held to be holding the information that has been sought. The practice in the Govt. is to seek clearance on a file to particular proposal which is then returned for custody to the concerned organization/department. Simply because the Chief Architect is a final authority on matter of this nature, it cannot be concluded that information is held by his office. Nor is it acceptable to make changes in appeal to the original request which was responded to on the basis of the request made. In this matter, the appellant is advised to move a first appeal before approaching this Commission, in which the Appellate Authority may also seek from the Estates Department the answer to the reference made by PIO Shri Rajeev Sood Dy. Chief Architect on 22.6.06.

(Decision of Shri Wajahat Habibullah, Chief Information Commissioner)  
[Shri Rajendra Prashad Jain vs New Delhi Municipal Council; Appeal Nos. CIC/WB/A/2006/00379; 00380 & 00381]

### **Information asked for in the required format be prepared and supplied free of cost due to delay**

Shri Wajahat Habibullah, CIC held that from perusal of the reply given by the PIO and the Orders passed by the First Appellate Authority, it seems that in preparing the information in the format provided by the appellant, data will have to be gathered from many files and old records. On the other hand the E.E. (BM-I), N.D.M.C. is of the opinion that the desired information can be

prepared and has assured the appellant that preparation work is under process. It is strange that although ten months have passed, the requisite information has not been prepared and supplied to the appellant.

In light of the above, this petition is remanded to the First Appellate Authority, with a direction to ensure provision of the information to the appellant in the format either provided by the appellant or in the format already supplied by the department in respect of buildings/ complexes on which sought. It will now be provided free of cost under Section 7(6) of the RTI Act.

[Shri Durga Prasad vs Assistant Director (Estate), New Delhi Municipal Council; CIC/WB/A/2007/00482]

### **Transfer application to concerned Department**

Shri Shailesh Gandhi, Information Commissioner directed the PIO to transfer the RTI Application to the Education Department since the original application has been transferred to Education Dept. Mr. Hari Singh will transfer this application to the Education Dept. under intimation to the Appellant. The PIO of the Education Department will ensure that the information is provided to the Appellant before 15 August 2009. Any information in compliance with this order will be provided free cost as per Section 7(6) of RTI Act.

[Mr. S. K.Bhardwaj vs PIO (Vig.) NDMC; Decision No. CIC/SG/A/2009/001387/4120]

### **Transfer RTI application to the concerned Department of NDMC**

Shri Sharat Sabharwal, Information Commissioner considered the records and the submissions made by both the parties before us. It is clear that most of the information sought by the Appellant, though in the physical possession of the Respondents, is controlled by the NDMC in the light of their agreement with the Respondents, mentioned above. In view of the foregoing, the CPIO, Engineers India Ltd. is directed to transfer the RTI application to the concerned CPIO of NDMC, under Section 6 (3) of the RTI Act, within five days of the receipt of this order, under intimation to the Appellant and the Commission.

[Shri Ranjeet vs Engineers India Ltd.; File No. CIC/SS/C/2014/000004/SH]

### **Transfer the unrelated parts to concerned Departments/Public Authority**

We find that responses from both the Fire Departments of NDMC and the Delhi Fire Service had indeed been provided to appellant. Since he is not present at the hearing we are unable to understand what he means by 'evasive' in these cases. However, it has been noted that whereas the Fire Department of N.D.M.C. has answered to most questions that the information sought pertains to another Department of the same public authority they have neither transferred the application to that department treating as another public authority under sec. 6(3) or sought information from other Departments of their own public authority i.e. NDMC under Section 5(4).for replying to the applicant. Similarly, the PIO Delhi Fire Service has responded by stating that the matter does not pertain to Delhi Fire Service. Under Section 6(3) the concerned public authority is expected to transfer matters that do not concern it to the public authority they do concern. At the very least the identity of the concerned public authority should be intimated to the applicant. Shri R.C. Sharma explained that in the present case the application was also endorsed to the other public authorities and, therefore, he presumed that they would be responding in connection with the items pertaining to them. However, this in no way exempts the PIO from replying that since the application was endorsed to the concerned department, it was presumed that no further action was required by the PIO of the Delhi Fire Service to whom the application is addressed, or in the alternative to simply transfer the case under Section 6(3)(ii).

Since the above deficiency in the case of the Delhi Fire Service has been rectified in appeal, it is not construed as deemed refusal. There appears to be no further information sought pending with either public authority. With the above observations both the appeals are dismissed.

(Decision of Shri Wajahat Habibullah, Chief Information Commissioner)

[Shri Rajender Prasad Jain vs Delhi Fire Service & N.D.M.C.; Appeal No.CIC/WB/A/ 2006/00315 & 446]

## **Personnel Matters**

### **Provide copies of Rules for the post of Chief Physiotherapist**

The Commission directs the respondent to provide rules/regulations/orders, on the basis of which the posts of Chief Physiotherapist are being filled up currently, to the appellant within two weeks of receipt of order, under intimation to the Commission. The appeal is disposed of accordingly.

(Decision of Shri Yashovardhan Azad, Information Commissioner)

[Shri Y. Paul vs North Delhi Municipal Corporation; F. No.CIC/DS/A/2013/001942-YA]

### **Inspection of Personal File of Third Party allowed**

Shri Shailesh Gandhi, Information Commissioner observed that the Appellant would like to inspect the personal file of Mr. Rais Ali. The Commission orders that the file may be shown to the appellant and copies of any documents which do not contain information, which would be an intrusion on his privacy, shall be given to the appellant as per the charges in the RTI Rules.

The PIO will facilitate an inspection and give copies of papers which do not impinge on the matters connected with the family or such matters which would be intrusion of the privacy of Mr. Rais Ali.

[Mr. Satya Prakash vs New Delhi Municipal Council, A& H (Establishment); Decision No. CIC/WB/A/2008/01287/SG/3831]

### **Information regarding Registered Societies to be provided; GPF statement of applicant also to be provided**

Shri Shailesh Gandhi, Information Commissioner held that the Appellant had filed a RTI application with the PIO of the Welfare Department, NDMC. This has been transferred to New Delhi Palika Parishad Samaz Kalyan Samiti. The Appellant points out that query relating to the number of registered and unregistered societies being run, managed, administered and controlled by NDMC can only be answered by NDMC. The PIO of NDMC is directed to answer this. The PIO will also give a copy of the latest GPF statement of Smt. Ranjana Sood and inform her about which bank the GPF Account is and on which name GPF account is.

The PIO will give the information described above to the Appellant also facilitate inspection of the records to Appellant on 11, 12 and 13 November 2009 and will give photocopies of the records which she wants up to 100 free of cost.

[Smt. Ranjana Sood vs Public Information Officer & AAO; Decision No. CIC/SG/A/2009/ 002221/5282]

### **Information about medical reimbursement of third party provided**

After hearing submissions made by all the parties, Commission directs the CPIO to provide information whether the Third party has been sanctioned medical reimbursement for the treatment undergone by his father and mother and also the designation of the competent authority who has sanctioned the same. This information will be provided to the appellant within three weeks of receipt of the order. Commission has taken care to protect the larger public interest involved in the disclosure of the requested information without unnecessary intrusion in the personal space of the third party.

Decision of Ms. Deepak Sandhu, Information Commissioner)

[Shri Virender Kumar Parashar vs North Delhi Municipal Corporation, Delhi; Appeal: No. CIC/DS/A/2012/001983]

### **Information about implementation of CVC Order provided**

The Commission during the hearing reviewed the information sought by the Appellant point wise and decided as given below.

Point 1 relating to Rule under which Accounts/finance, Education, Establishment, Main Estt, Estate, Vigilance Departments are excluded from the category of sensitive departments when many seats are sensitive, being employees dealing The Respondent submitted that there is no such rule as sought by the Appellant available in the records. The Appellant may therefore be informed categorically in writing about the non availability of the exact rule he is seeking within two weeks of receipt of this order.

Point 2 relating to inform about actual implementation of CVC Order no. 98/VGL/60 dated 15.4.99 & 2.11.2001 and other orders released from time to time to transfer employees from sensitive posts/departments after 2 to 3 years. The Respondent submitted that since there is no framed transfer policy at all in NDMC and hence there is no information available in the records with respect to implementation of any CVC Order, on record with respect to transfer of employees. Hence information against these points cannot be provided. This factual information, as submitted to the Commission, may be furnished to the Appellant categorically in writing within two weeks of receipt of this order.

Point 6 relating to SC/ST. According to the Respondent no such information is available in respect of number of SC/ST (with respect to points 3, 4 and 5) as this information is not expected to be maintained in this format and also because this category of the employee is not mentioned in any transfer order of employee transferred from other departments of NDMC.. Hence no information is available for disclosure.

(Decision of Annapurna Dixit; Information Commissioner)

[Shri Phool Chand vs New Delhi Municipal Council, O/o the Dy. Director (Estt) & PIO Secretary, Estt's branch; File No: CIC/AD/A/2012/001946]

### **Pay fixation does not fall under RTI Act**

This is a case for fixation of pay of Smt. Sachdeva. It is no longer a request for information under the RTI Act. No appeal will lie before us in this case and the same is, therefore, dismissed. Smt. Sachdeva may seek redress either before the Delhi Public Grievance Redressal Commission, Vikas Sadan, Indraprastha Estate, New Delhi-110002 or through a Court of competent jurisdiction. Decision of Shri Wajahat Habibullah, Chief Information Commissioner)  
[Smt. Sudesh Sachdeva vs Education Department, New Delhi Municipal Council (NDMC); Appeal No. CIC/WB/A/2007/00019]

### **Information about vacancies of PGT posts & NSES be provided**

The PIO is directed to give the information on queries-4, 5, 6 & 9 to the appellant before 20 November 2010 relating to following issues:

4. Details of backlog of reserved vacancies of PGT post wise identified and filled in both direct recruitment and in Pertains to NDMC promotion before and after the amendment of RRs 24/03/2008, abolishing direct recruit and providing 100% departmental promotion.
5. Certified copy of the NSES proposal for abolition of direct recruit and File noting relating to the proposal approved by the Chairman and BOG of NSES/NDMC Council/Ministry of Home Affairs.
- 6 Details of SC and general candidates PGT post wise in position in 2005, 2006, 2007, 2008 and 2009.
9. Certified copies of NSES Proposal for Contract appointment of TGT/ PGT and Clubbing Special recruitment drive appointees of 2005, 2006, 2007 and 2008 with the current recruitment of General Candidates and File noting of the proposal approved by the Chairman, BOG of NSES and Ministry of Home Affairs

(Decision of Shri Shailesh Gandhi, Information Commissioner)

[Mr. Hakam Singh vs Public Information Officer and OSD NDMC; Appeal No.CIC/SG/A/2010/02608]

### **Provide information about action taken on Court Judgment about reservation in services**

Commission observed that the relevant portion of the reply of Sh. A. K. Saxena, Director (Delhi) dated 18.03.2011 reads as follows:

“It is informed that normally NDMC follows DoPT and Government of NCT of Delhi instructions on reservation in services. As regards other issues raised by you in the said letter, your attention is invited to the fact that advice of Ministry of Law & Justice (Department of Legal Affairs), forwarded to the Govt. of NCT of Delhi vide letter dated 1st June, 2005, was in reference to order/judgment of Hon’ble Supreme Court dated 11.02.2005 in Civil Appeal No. 67 of 1998, arising out of judgment dated 5.11.1996 of the CAT Chennai Bench in O.A. Nos. 199/96 and 214/96 in the matter of S. Pushpa & Ors. Vs. Sivachanmugavely & Ors. In this regard, there have been further orders/judgments of the Hon’ble Supreme Court, namely judgment dated 4.08.2009 in Civil Appeal No. 5092/2009, titled Subhash Chandra & Another Vs. Delhi Subordinate Services



Selection Board & Other clubbed with Writ Petition (Civil) No. 507 of 2006, title Sarv Rural & Urban Welfare Society Vs. Union of India & Others, and judgment dated 7.10.2010 in Civil Appeal No. 4494/2006, titled State of Uttaranchal Vs. Sandeep Kumar Singh.”

After hearing the parties and on perusal of the relevant documents on file, and also keeping in view the facts and circumstances of the present case, the Commission deems it fit to direct the PIO, NDMC to provide complete requisite information regarding details of action taken to implement the orders by NDMC and Delhi government, details of demand sent to the DSSSB or made advertisement to fill up vacancies keeping in view of judgment by the NDMC and Delhi Government from 2005 and details of SC/ST vacancies indicated in these demands keeping in view of nativity of candidates.

(Decision of Ms. Sushma Singh, Information Commissioner)

[Sh. Phool Chand vs M/o Home Affairs, North Block; Case No. CIC/SS/A/2010/ 001141]

### **Commission directs Disciplinary Authority to take a decision in a Disciplinary case in two months**

The Commission having noted that the decision in respect of the DA&R case against the Appellant is pending with the disciplinary authority for over two years, advises that the Disciplinary Authority take a decision on the matter, preferably within two months of receipt of this order and convey the same to the Appellant. The PIO is directed to forward a copy of this order to the Disciplinary Authority.

(Decision of Ms. Annapurna Dixit, Information Commissioner)

[Shri Sanjib Sengupta vs New Delhi Municipal Council; File No: CIC/AD/A/2012/002559]

### **Service Record of employee not provided to husband**

The Commission accepts the contention of Smt. Kamaljit Kaur (alias Smt. Kamal) that she has a right to refuse access to information about her to her family members. Each individual has a right to maintain her privacy and the mere fact that someone is related to a person, does not imply that it entitles him to invade the privacy of the other person. Whether the relationship is of a wife, father, or daughter the individual retains the right to their privacy. If an individual objects to reveal certain personal information which would be an intrusion on her privacy, she can legitimately claim the exemption of Section 8 (1) (j) of the RTI Act.

The appellant has sought copies of the service book of Smt. Kamaljit Kaur and her personal file. The service records of an employee are personal records which have been generated in a public activity and its disclosure cannot be considered an invasion on the privacy of an individual, here as the personal file of an individual has records whose revelation can certainly be considered an invasion on the privacy of an individual. In view of this Commission upholds the contention of the PIO to deny information relating to the personal file of Smt. Kamaljit Kaur since it is exempt under Section 8 (1) (j) of the RTI Act. However, the exemption would not be available to the service file, which would have to be disclosed.

The appeal is partially allowed. The PIO is directed to give the inspection of the service book of Smt. Kamaljit Kaur to the appellant before 10 March 2010. Any information in compliance with this Order will be provided free of cost as per Section 7(6) of RTI Act.

(Decision of Shri Shailesh Gandhi, Information Commissioner)

[Mr. Sudershan Singh vs PIO & Dy. Director Security/Establishment Branch NDMC; Appeal No. CIC/SG/A/2009/003165]

### **Inspection of record does not constitute travesty**

It is not clear to us how the invitation to inspect the records in any way constitutes a travesty of the RTI Act. The Right to Information specifically constitutes the following vide Section 2 (j):

*"right to information" means the right to information accessible under this Act which is held by or under the control of any public authority and includes the right to—  
inspection of work, documents, records; taking notes, extracts or certified copies of documents or records; taking certified samples of material; obtaining information in the form of diskettes, floppies, tapes, videocassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device"*

Therefore, unable to provide the information to appellant to his satisfaction, PIO has offered inspection of records and willingness to provide copies of any such records sought by appellant as identified by him. Appellant himself in his appeal before us says, "It would thus be noted that all the above facts are available on the records of the NDMC" as quoted above. Under the circumstances I see no cause of action in this appeal. Shri R.C. Meena, Director, is therefore now directed to make available the concerned records to appellant, if he agrees, within 10 days from the date of issue of this decision notice for his inspection.

(Decision of Shri Wajahat Habibullah, Chief Information Commissioner)

[Shri Sandeep Kumar vs New Delhi Municipal Council (NDMC); Appeal No. CIC/WB/A/2006/00927]

### **Attested copies of noting sheets provided in a proceedings case**

The PIO has provided adequate information at the time when RTI application was filed. However, the PIO is directed to provide the following additional information:

1 Attested copies of noting sheets of the show cause proceedings under Section 247 and 250 of the NDMC Act against M/s Kherahelmet and M/s DTW Automobile, Panschkuiyan Road.

2 Whether any hearing was given to the residents whose houses were demolished.

Mr. H. P. Singh, Public Information Officer & EE (EBR) is directed to give the information as directed above to the appellant before 05 October 2010.

(Decision of Shri Shailesh Gandhi, Information Commissioner)

[Mr. Shyam Singh vs Public Information Officer & EE (EBR), New Delhi Municipal Council; Decision No. CIC/SG/A/2010/001551/9381]

### **Information about dues paid to wife provided as PIO had allowed inspection**

During the hearing, the representative of the Appellant, placed on record the fact that the third party here is wife of the Appellant who had however left her family (which also included a 4 year old daughter) long back and has now suddenly come up demanding exorbitant maintenance charges from her husband through court proceedings, despite having sufficient means to look

after herself, including pension on retirement from NDMC. The representative averred that the information being sought by the Appellant here cannot be categorized as personal to the third party since a) the third party is still the wife of the Appellant; b) the public authority, in response to an earlier RTI application of the Appellant seeking the same information ( the difference being that information sought earlier pertained to the period before the implementation of 6th Pay Commission recommendations) , has already allowed the inspection of the relevant file by the Appellant after overruling the objection of the said third party (at that time) and has provided copies of similar documents required by him (Appellant) up to 2009. The representative of the Appellant further questioned as to why when the Appellant in the instant case, had approached the Respondents with a request to provide photocopies of similar documents (after implementation 6th PC recommendations), the Respondent Chief Accounts Officer/PIO had suddenly changed his position and had declined the disclosure of information citing exemption under Section 8(1) (j) of the RTI Act. According to her, the PIO is bound by the earlier decision of allowing information from the Accounts/pension branch of NDMC to the Appellant. She further pointed out that the First Appellate Authority too had failed to act in accordance with terms of decision arrived in 2009 by the PIO, according to which information was disclosed.

On careful consideration of the submissions on record and the arguments put forth by the Appellant's representative and taking note of the fact that Respondents had admittedly allowed the Appellant to inspect the same file on an earlier date and had provided similar information to him up to 2009, after overruling the objection by the third party, the Commission sees no reason in allowing disclosure of similar information to the Appellant after revision of pay and pension (which anyway are calculated using a formula which is in circulation) and in the light of the earlier position taken by the Respondent holds that present decision of the Respondents cannot be upheld. It is not open for the Respondents to take two different positions with respect to the same set of information without furnishing any convincing explanation. In view of the above, it is directed that the PIO should furnish complete information to the Appellant by 30.1.2012.

(Decision of Ms. Annapurna Dixit, Information Commissioner)

[Shri Sudershan Singh vs Office of the Financial Advisor, New Delhi Municipal Council (NDMC); File No. CIC/AD/A/2011/002528]

### **Information about Vigilance action against the officer(s) denied**

After hearing the averments of the CPIO and noting that the appellant has to date not deposited the prescribed fee in order to obtain the requested information, Commission observes that the appellant does not appear to be serious at all about obtaining the requested information. As regards Vigilance action against the officer(s) of the dept., information is denied under section 8(1) (j) as per the ratio of Supreme Court decision in Girish Ramachandra Deshpande vs. CIC and others.

(Decision of Ms. Deepak Sandhu, Information Commissioner)

[Shri Deepak Yadav vs North Delhi Municipal Corporation (EE.M.II.CLZ) Delhi; Appeal: No. CIC/DS/A/2012/002423]

### **CIC directs preparation of seniority list; Show cause also issued for non-compliance of orders of FAA**

The appellant is asking for seniority list of entire list of 49 batch as it is pertaining to him. The PIO of Delhi Fire Service stated that the said information is not available with them. The officer from MCD says that they do not prepare any seniority list; PIO of Delhi Fire Service stated that tentative seniority list is to be prepared and Administration Officer Mr. Manoj Kumar Sharma is expected to prepare the same. Having heard the submission and perusal of records, the Commission directs Mr. Manoj Kumar Sharma and Sahkti Bangar to show cause why maximum penalty could not be imposed against each of them for not responding to RTI application of appellant and for not complying with the order of FAA. They are also directed to coordinate and prepare the seniority list and report the same along with their explanation. PIO MCD is directed to explore all possibility for providing the information within 21 days and furnish.

(Decision of Shri M. Sridhar Acharyulu, Information Commissioner)

[Mr Shishu Pal v. PIO, Delhi Fire service; CIC/SA/A/2014/001366]

**Personal information, unconnected with the government affairs  
of an official need not be disclosed**

Personal information, unconnected with the government affairs of an official, i.e., information relating to personal affairs of officials, need not be disclosed. However, information, which is purely official, could be disclosed to the appellant. Therefore, the CPIO will furnish only the number of officials who had been granted leave without names, etc. The information which is general in nature need not be furnished.

[Shri Kartikey Vyas; Employees Provident Funds Organisation; Appeal No.174/ICPB/ 2006 F. No. PBA/ 06/ 258; December 4, 2006]

**DPC proceedings may be disclosed but contents of ACRs disclosure is barred**

The Commission has directed the concerned CPIOs to disclose the proceedings of the DPCs, after due application of Section 10(1) of the Act. The contents of ACRs, particularly the remarks made by the superior officers are treated as confidential information, the disclosure of which is barred under Section 8(1) (j) of the Act.

[Shri N. A. Khan vs Office of the Chief Commissioner of Income Tax; Decision No.446/ IC(A)/2006; F. No. CIC/MA/A/2006/00634; Dated 13<sup>th</sup> December, 2006]

**Copies of own Confidential Reports be provided**

The CIC directed the disclosure of information sought. The Commission referred to the full bench decision of CIC passed vide Order dated 19.02.2009 in appeal No. CIC/WB/A/2007/00422 concerning disclosure of ACRs and also referred to the Supreme Court's decision in Devdutt vs. Union of India and decided that the complete information sought by the appellant, meaning certified copies of ACRs shall be provided.

[Shri N. Krishnamoorthy vs. MTNL, Mumbai; F. No. CIC/AD/A/X/2009/000154; Dated 24.3.2009]

**DPC Proceedings should be put in public domain after due application of  
Section 10(1) of sever ability**

In a number of decisions, the Commission has held that ACRs are confidential documents, the disclosure of which is barred under Section 8(1) (d) & (e) of the Act. However, the proceedings of

DPCs should be put in public domain after due application of section 10(1) of the Act. This case may be accordingly dealt with.

[Shri H. V. Venkatesha Raghavan vs UCO Bank; Decision No.382/IC(A)/2006 F. No. CIC/MA/C/2006/ 00237; Dated 23<sup>rd</sup> November, 2006]

### **Action taken report on complaints supplied**

The appellant referred to many of his own complaints in this regard written in the earlier years. The CPIO took the stand that these are personal grievances and if the appellant desires, information relating to the disposal of these grievances could be furnished to him. Commission directed that the CPIO will scrutinize the records to find out whether any complaint against reporting officers had been received in the Corporate office during the last 3 years and furnish the number of such complaints, number of promotions made and denied in the last 3 years grade-wise.

[Shri. G. Srinivasan vs NTPC; Appeal No.175/ICPB/2006 F. No. PBA/06/239; December 4, 2006]

### **Specific reasons for ignoring an incumbent for grant of promotion by DPC be intimated**

Considering the facts of the case, I direct the CPIO EIC to ascertain from the minutes of the DPC as well as the Screening Committee whether any specific reason has been indicated in the minutes regarding the appellant and communicate the same to him within 15 days from the date of receipt of this order.

[Shri Praveen Sakuja vs Export Inspection Council of India (EIC); Appeal No. ICPB/A-19/CIC/2006; Dated May 10, 2006]

### **Matters of posting and transfer of public servants not exempted**

In the matter of posting and transfer of public servants, the provisions of Section 8(1) (j) or (d) cannot be applied to decline to disclose the details as the information sought relate to the functions/affairs of the public authority and does not relate to any personal affairs of the transferees.

[Mrs. Umabai Torvi, Karnataka vs Syndicate Bank, Manipal; Appeal No.344/ICPB/2006 F. No. PBA/06/377; Dated February 19, 2007]

### **Seniority List be supplied**

Commission directed to supply Seniority List in the cadre of DGM (F), GM (F), Manager (F); and also list of employees of NHA currently in the rolls etc.

[Shri G. Suresh vs National Highways Authority of India; F. No. CIC/AT/A/2006/00119; Dated 29th June, 2006]

### **Career advancement schemes be provided**

The Commission directed the respondents to show all the relevant records regarding the guidelines for the Career Advancement Scheme for Lecturers together with the exemptions laid down and also details about the beneficiaries.

[Dr. Bani Baral vs All India Council for Technical Education; No. CIC/OK/A/2006/00419; Dated, the 8<sup>th</sup> November, 2006]

### **Bio data of applicants becomes public property and can be given Medical reports are purely personal and cannot to be given to others**

When a candidate submits his application for appointment to a post under a public authority, the same becomes a public document and he cannot object to the disclosure on the ground of invasion of privacy. Therefore, I direct the CPIO to furnish copies of the bio-data submitted by the 4 candidates. As far as the medical reports are concerned, they are purely personal to the individuals and furnishing of copies of the same would amount to invasion of privacy of the individuals and therefore need not be furnished.

[Shri Bhagwan Chand Saxena vs Export Inspection Council of India, Ministry of Commerce; Appeal No. ICPB/ A-9/CIC/2006; Dated April 3, 2006]

### **Disclosure of Medical reports of any citizen would amount to invasion of his privacy**

I agree with the reasons given by the Appellate Authority for the denial of the information sought by the appellant as disclosure of the medical report of any citizen would amount to invasion of his privacy.

[Shri Bhagwan Chand Saxena vs CPIO Safdarjang Hospital, New Delhi; Appeal No ICPB/A-10/CIC/ 2006; Dated April 3, 2006]

### **Pension details of staff members cannot be given to third person**

In so far as the present appeal is concerned, however laudable the object of seeking the information might be, since the information sought relates to matters personal to the pensioners and disclosure would cause invasion of the privacy of the pensioners, I hold that the SSPO has rightly applied the provisions of Section 8(1)(j) to reject the request...

[Shri R. K. Jain vs Department of Posts; Appeal No. ICPB/A-18/CIC/2006; Dated May 10, 2006]

### **Roster/vacancy position of employees is not confidential**

The information sought by the appellant is related to the Roster/vacancy position of employees, which are neither confidential nor personal information. The CPIO has denied the information to the appellant under Section 8(1) (d) & (j) of the Act, which is wrongly interpreted in this case.

[Shri Shashi Prakash Sharma vs Central Board of Excise & Customs, Department of Revenue, Ministry of Finance; Decision No.196/IC(A)/2006; F. No. CIC/MA/A/2006/ 00596; Dated, the 23<sup>rd</sup> August, 2006]

### **Information regarding qualifications of public servants can be provided**

It is rather surprising that CPIO and the Appellate Authority should have taken the view that details of the qualifications of Government officials is personal in nature and as such cannot be supplied. It is the right of every citizen to know about the qualifications of public servants and the posts held by them.

[Shri Praveen Sakuja vs Export Inspection Council of India (EIC); Appeal No. ICPB/A-17/CIC/2006; Dated May 10, 2006]

### **Tour Program of Officers cannot be treated as personal information**

The information sought by the appellant relates to the tour program and travel expenses of a public servant, which cannot be treated as personal information.

[Shri Dinesh Berry vs Bharat Petroleum Corporation Ltd., Mumbai; Appeal No. 07/IC(A)/CIC/2006; dated, the 6th March, 2006]

### **LTC information of officials not personal to them**

I am not in a position to agree with the conclusion of the Appellate Authority that an information regarding LTC disbursements to a Government employee is an information wholly personal to that employee, and should not, therefore, be disclosed. The plea of such information being entirely barred under Section 8(1) (j) should, therefore, fail.

[Shri S.J. Godhwani vs Ordnance Factory Board, Kolkata & Third Party-Ordnance Factory Board, Bhusawal, Maharashtra; F. No. CIC/AT/A/2006/00317; Dated, the 10<sup>th</sup> October, 2006.]

### **Log books are not exempted**

The claim of exemption under Section 8(1) (d) from disclosure of log book is not justified. Therefore, the claim of exemption by the CPIO and appellant authority is not acceptable.

[Shri Surendra Sharma vs The Oriental Insurance Co. Limited; Decision No. 434/IC(A)/2006; F. No. CIC/MA/ A/2006/00735; Dated 11<sup>th</sup> December, 2006]

**Confidentiality alone cannot be used to withhold information  
Rejection has to be done in accordance with any of the exempted provisions**

Rejection of information has to be in accordance with any of the exempted provisions under Section 8 of the Act. The competent authority which had decided to deny the information in the present case has not obviously applied its mind. Her decision is based on the confidentiality of the Report. None of the subsections of Section 8 exempts disclosure on the ground of confidentiality. [Shri P. S. Pattabiraman vs Department of Post, Tamil Nadu Circle; Appeal No. 149/ ICPB/ 2006; F. No. PBA/06/234; Dated November 2, 2006]



## Miscellaneous Decisions

### **Intimate particulars of First Appellate Authority Files regarding naming of Streets allowed for inspection**

The appellant wanted to know the reasons as to why the Madavrao Scindia Marg has the prefix "Shrimant". The Respondent stated that they are carrying with them a letter from the Parliamentary Secretary of Chief Minister's Office, Delhi in which he has stated that after discussions it has been decided to add prefix "Shrimant" to Madhavrao Scindia Marg. The Respondents produced this letter before the Commission. The appellant, however, wanted to know more about the discussions that took place including the names of individuals who had discussed and copy of minutes of meeting, if any, as available in the records.

The PIO, NDMC is, therefore, directed that the RTI application along with a copy of the letter written by the Parliamentary Secretary of CM's office as also a copy of this order be transferred to the PIO, Chief Minister's office under Section 6(3) of the RTI Act with the direction that he may provide any information available in the records in his office regarding information about the 'discussions' held on the matter of renaming 'Madhav Rao Scindia Marg' by adding 'Shrimant' as a prefix. Any minutes of meeting available in the records in the CM's office or in the office of the Parliamentary Secretary of CM to change the road's name to Shirmant Madhavrao Scindia Marg, may also be furnished to the appellant.

The appellant further wanted to know why 'Sansad Marg' which is the name of a popular road in Delhi is sometimes written as 'Parliament Street'. It is the appellant's contention that such names which are proper nouns cannot be changed. He requested for any document that indicates approval for translation of the Hindi word 'Sansad' into 'Parliament' in English'. The Commission, accordingly, directs the PIO, NDMC to provide any file noting available in the records or any letter wherein a decision has been taken to call 'Sansad Marg' as 'Parliament Street' and vice versa.

The appellant pointed out that the PIO, NDMC while replying to the RTI Application has not bothered to refer to the date of the RTI application making it difficult for him to link the RTI application he had filed with the reply furnished by the PIO.

The Commission also takes this opportunity to warn the PIO that not furnishing the details of the First Appellate Authority along with his reply to the RTI application would be construed as violation of law and that the Commission would be constrained to take action as deemed necessary if the PIO, NDMC continues to overlook section 7(3) (b) of the RTI Act.

(Decision of Ms. Annapurna Dixit, Information Commissioner)

[Shri Subhash Chandra Agrawal vs New Delhi Municipal Council I/EO Civil Engineering Branch; File No: CIC/AD/A/2012/002743]

**Avoid clash of personalities; don't use abusive language**

The file has been examined and the parties heard. Since this was not an appeal against any final decision taken by the NDMC, we have treated it as a complaint under Section 18 (1) (e) & (f). We find this to be a case of clash of personalities, with the appellant accusing the Appellate Authority of using abusive language and humiliating behavior and the AA in turn accusing the appellant of action verging on the criminal and breach of trust with the NDMC. Since this is a matter that cannot be resolved by inquiry under Section 18 (2), NDMC is directed to provide the information requested in the form asked for by the appellant latest by April 20, 2006, without insisting on the personal appearance of the appellant before him. A copy of these orders be submitted to the Commission for its record in addition to that given to the appellant. It shall be open to the appellant to appeal the final orders of the Appellate Authority if required, before the Commission after that date.

(Decision of Padma Balasubramanian, Information Commissioner and Wajahat Habibullah, Chief Information Commissioner)

[Shri Rajendra Prasad Jain vs PIO and Chief Architect (Architecture & Environs), NDMC; Application No CIC/WB/A/2006/00016-30]

**Provide list of illegal window showcases removed**

Shri Shailesh Gandhi Information Commissioner observed that the Appellant has sought details of showcase windows existing illegal in the inner and outer circle of the Connaught Place. The first reply was provided by the PIO stating "Such encroachments/violations are observed and are being removed day by day, by the NDMC, Encroachment Department as per information given to the undersigned." The PIO was asked to provide the list of such encroachments/violations. The PIO now states that NDMC Enforcement Department has not removed most of these and that as soon as the NDMC staff goes to a shop with illegal display window the shopkeeper immediately removes it. However, the PIO says that in few cases they had removed the illegal window showcases. The PIO is directed to provide a list of illegal window showcases removed by the Department.

[Ms. Anupama Kaul vs Public Information Officer & Joint Director, Enforcement Dept.; Appeal No. CIC/SG/A/2010/000400]

**Scheme for construction of Canopy by Petrol Pumps be provided**

Ms. Annapurna Dixit, Information Commissioner observed that the Appellant sought a copy of the scheme No. 00132/2011 of the NDMC. The concerned PIO, Department of Architecture & Environs, NDMC, is directed to provide the copy of the scheme as mentioned in the RTI reply, to the Appellant, within two weeks of receipt of this order.

[Shri Deepak Jain vs NDMC; File No: CIC/AD/A/2012/001953]

### **Information provided regarding Notice under Section 221 of NDMC Act**

Shri Shailesh Gandhi, Information Commissioner observed that the PIO has given certain information earlier but is now directed to give the following specific information:

- Query-a: If replies are available occupants/owner of shops to notice under Section 221 under NDMC Act dated 20/03/2008, they will be provided. If no replies has been obtained this will be stated. If the replies have been stolen this will also be stated.

The PIO will inform the appellant about the time period of compliance when a notice under Section 221 is given. If any action has been taken for non-compliance of the notice details will be provided to the Appellant. The PIO is directed to give the information to the Appellant before 15 April 2010. [Ms. Anupama Kaul vs NDMC; Appeal No. CIC/SG/A/2010/000435]

### **Provide copies of Annexure of Documents already provided**

During the hearing the appellant submitted that he was provided with 676 pages of documents pertaining to operation and maintenance of public utility toilets and collection and removal of NDMC area garbage, but the annexure mentioned in the documents/file noting have not been given to him. The Commission therefore directs the PIO to review the file noting and other documents already provided to the appellant and to provide copies of Annexure as mentioned in them, free of cost to the Appellant.

(Decision of Ms. Annapurna Dixit, Information Commissioner)

[Dr. G. S.Thind vs. New Delhi Municipal Council; File No: CIC/SG/A/2011/001669]

### **NDMC directed to give an affidavit that the information sought is not available with it**

Ms. Annapurna Dixit, Information Commissioner noted that the PIO, L&DO has not responded to the RTI Application that has been transferred to him by the PIO, Deptt of Architecture and Environs, NDMC within the mandatory time period and that he has also not bothered to comply with the order of the Appellate Authority. The PIO, L&DO is, therefore, directed to provide the point wise information to the Appellant along with copies of supporting documents within 2 weeks of receipt of this Order and also to show cause as to why penalty should not be imposed upon him for not furnishing information to the Appellant within the mandatory period and also not for not complying with the First Appellate Authority's order.

The Commission also noted during the hearing that the Appellant is not willing to accept the position of the PIO, NDMC that information is not available with NDMC. The PIO, NDMC is therefore directed to affirm his position that no information as sought by the Appellant in the RTI application is available with NDMC, in an affidavit (on non-judicial stamp paper, witnessed, notarized) to the Commission with a copy to the Appellant. The Affidavit should reach the Commission/Appellant within 2 weeks of receipt of this Order.

[Shri S Govinder Singh vs New Delhi Municipal Council, O/o the PIO/DCA (STC) Deptt. of Architect & Environs; File No: CIC/AD/A/2012/001749]

### **Information provided on the basis of what was available with**

**the Public Authority on the subject matter accepted**

During the hearing the Appellant stated that wrong information had been provided to him in the initial reply by the PIO wherein he has been informed that there are no catering vans in the NDMC area. His contention was that the vans were there for all to see, and they were functioning in NDMC areas. The Respondent from NDMC explained that at the time the RTI application was replied to they were not aware that the Delhi Government had deployed such catering vans in some NDMC areas since they were somewhere in the interior and also operating without any 'no objection' certificate from NDMC. In support of his submission the Respondent produced a letter dated 8.9.11 written after the First Appellate Authority's hearing was held, to the Delhi Government seeking correct information with regard to deployment of vans and also a letter written by the Delhi Government in response to their letter requesting them to issue a no objection certificate which was eventually issued by NDMC on 14.9.11. A copy of the certificate was handed over to the Appellant.

It is evident from the submission of the Respondents that there was no deliberate attempt to hide information from the Appellant on the part of the PIO since the information provided was what was available with the Public Authority on the subject matter. Since available information has been provided to the Appellant, the Commission directs the case to be closed.

(Decision of Ms. Annapurna Dixit, Information Commissioner)

[Shri Anil Gupta vs O/o the CMO, Health Department, New Delhi Municipal Council; File No: CIC/AD/A/2011/002196]

**Inspection allowed as information sought is not maintained in the form in which it is sought**

The respondent states that information sought is not maintained in the format sought by the appellant and he has offered inspection of the files. The PIO will facilitate the inspection of relevant files by the appellant on 6 April 2009 at 2.00pm. The appellant will be given up to 100 pages of copies free of cost, if he wants.

(Decision of Shri Shailesh Gandhi, Information Commissioner)

[Mr. S.K. Bhardwaj, vs D.E.O. (A) & PIO, Education Department, New Delhi Municipal Council; Appeal No. CIC/SG/A/2009/000050]

**Information about construction of Porta Cabin provided**

The complainant filed an application with MHA under the RTI Act seeking certified copies of NOCs issued by land owning agencies for the construction of porta cabins, total number of porta cabins constructed by NDMC, and details of porta cabins being used by Kendriya Bhandar. Respondent stated that porta cabins are temporary structures and constructed for the convenience of local residents.

Respondent stated that in some areas porta cabins were constructed by NDMC at the request of RWA funded by the MLA/MP after the land has been handed over to the NDMC. In such cases NOC is not required to be taken. Respondent is directed to (a) provide to the complainant, the available information in context of the RTI application; (b) enable the appellant to inspect the files relevant to any specific complaint mentioned in the RTI application; and (c) comply with the above within 30 days of this order.

[Shri Shib Kumar Gupta vs Central Public Information Officer, Ministry of home Affairs, North Block; Decision No.CIC/VS/C/2014/000198/08386]

**Provide the information asked for instead of something else**

The Appellant had sought information about the background papers and file noting based on which NDMC Council had made recommendation regarding occupancy factor. The PIO did not offer to give this information at all but kept offering the Gazette Notification and the subcommittee's recommendation. The PIO has no explanation for this strange behavior. The Appeal is allowed. The commission directs the PIO to send an attested photocopy of the entire file including noting to the Appellant.

(Decision of Shri Shailesh Gandhi, Information Commissioner)

[Mr. Nitin Goel vs Public Information Officer & Dy. Director, Property Tax Department, New Delhi Municipal Council; Appeal No. CIC/SG/A/2011/000500]

**Provide list of allotted PCO Booths free of cost**

The PIO has given certain information but is now directed to give names of the persons who have been allotted PCO Booths. The PIO is also directed to facilitate an inspection of the file of all the 21 PCO Booths on 06 July 2011 from 10.30AM onwards at the office of the PIO. The Appeal is allowed. The PIO is directed to provide the information on point-1 as mentioned above to the Appellant on 06 July 2011. The PIO is also directed to facilitate an inspection of the relevant records by the Appellant on 06 July 2011 from 10.30AM onwards. The PIO will give attested photocopies of records which the Appellant wants free of cost up to 100 pages.

(Decision of Shri Shailesh Gandhi, Information Commissioner)

[Mr. R.D Mishra vs PIO & Dy. Director, New Delhi Municipal Corporation, NDMC; Appeal No. CIC/SG/A/2011/001256]

**Provide latest status of the proceedings initiated against unlawful construction; Penalty imposed for delay**

Having heard the arguments and perused the records we hereby direct Chief Architect Shri Sanjib Sengupta will provide to appellant Shri Harish Tripathi within ten working days from the date of issue of this Decision Notice information on the latest status of the proceedings initiated against unlawful construction so as to meet the request in point (c) of the RTI application of appellant.

(Decision of Shri Wajahat Habibullah CIC)

[Shri Harish Tripathi vs New Delhi Municipal Council (NDMC); Appeal No.CIC/WB/A/ 2007/ 00143 ]

**Provide the (Horizontal) sanction plan(s) of the properties of the Third Party; Compensation awarded for harassment to senior citizen**

Respondent denied information by invoking section 8 (1) (j) of the RTI Act on the ground that the sanctioned building plan and other information sought in the RTI application is personal. The Commission is of the view that disclosure of information in relation to unauthorized construction and encroachment does not require clearance from any third party. The Commission, in a number of decisions, has held that when appellant seeks the sanctioned building plan of any third party, public authority should provide the (horizontal) sanction plan(s) of the properties of the Third Party

by omitting the internal room arrangements in the plan(s). The external walls with openings and projections should be shown along with the Area Statement for all the floors which has been approved/ regularized.

The Commission observes that the MCD officials did not display any interest in disclosing the information sought. The Commission directs the respondent to provide complete information in relation to unauthorized construction. As regards to the sanctioned building plan, the Commission directs the respondent to provide to the appellant the (horizontal) sanction plan(s) of the properties of the Third Party by omitting the internal room arrangements in the plan(s). The external walls with openings and projections should be shown along with the Area Statement for all the floors which has been approved/ regularized. This exercise shall be completed within two weeks of receipt of this order, under intimation to the Commission.

The Appellant has clearly been harassed and has had to file the first and second appeal completely unnecessarily. Because of the inept handling of this RTI Application this has occurred. Harassment of a common man by public authorities is abhorring and legally impermissible. Nothing is more damaging than the feeling of helplessness and especially when a senior citizen is the victim. Many instead of complaining would succumb in such circumstances. Therefore the award of compensation in such cases is called for in the interest of justice.

The Commission awards compensation of Rs.10,000/- to be paid to the Appellant under Section 19(8) (b) of the RTI Act for the loss and detriment suffered by him in getting the information.

(Decision of Shri Yashovardhan Azad, Information Commissioner)

[Maj. Gen. Baldev Kumar vs North Delhi Municipal Corporation, Delhi; F. No.CIC/YA/A/2014/000943-YA]

**Provide information relating to unauthorized construction;  
Show cause notice issued for deliberately obstructing the flow of information**

The Commission notes with concern that the respondents in the instant case have not fulfilled their statutory obligations and not shown respect to the order of the Hon'ble Court of the Senior Civil Judge, Delhi. The Court vide their order had observed as follows:

*“43. However, the MCD has not taken any action against the unauthorized construction in and over the suit property despite the fact that it had stated in its written statement that further action will be taken as per law. The MCD is a statutory agency responsible for enforcement of building laws. The MCD has failed to perform its statutory duty despite booking of the said unauthorized construction on 01.12.1998. Further, the approach of the MCD is so casual and indifferent that it has not visited the suit property and submitted status report despite orders of this Court vide order dated 13.07.2010, 16.08.2010 and 27.09.2010. Therefore, the court can issue appropriate directions to the MCD to rise from inertia and take requisite action against the unauthorized construction in the suit property. Further, the unauthorized construction in the suit property shall not be entitled to protection of moratorium under Delhi Special Laws for the reason that the coverage of open verandah on the ground floor of the suit property has infringed easementary right of natural light and air of the plaintiff. The defendant no.1 and 3 should be directed to remove the unauthorized construction in the suit property and otherwise, the MCD shall perform its statutory obligations. The plaintiff is entitled to relief of mandatory injunction.*

.....  
*45(b) ....MCD is hereby directed to remove pillars and lantern/coverage of the open verandah of the property no. K-127, West Patel Nagar, New Delhi.”*

The Commission observes that the order of the Court is very specific and clear for removing the unauthorized construction raised but when no action has been taken by the public authority, the appellant moved the present RTI application to know the status of the matter.

The PIO merely states that the matter pertains to the Maintenance division but at the same time the RTI application has not been transferred to them for providing information sought. The respondent also failed to mention that there was no unauthorized construction raised on the said property as observed by the Court. The Commission directs PIO, EE (B), KBZ to provide information relating to unauthorized construction on the said property within two weeks and transfer the RTI application to EE (M) II, NDMC, Karol Bagh Zone for providing information relating to encroachment on the said property within five days from date of receipt of this order along with the Commission's decision.

The PIO EE(M)II, NDMC, Karol Bagh Zone is directed to provide complete information to the appellant within three weeks of receipt of RTI application and the Commission's order, under intimation to the Commission.

Show cause notice is also issued to the PIO EE (B), KBZ for deliberately obstructing the flow of information within the prescribed period under the RTI Act. PIO is afforded an opportunity of personal hearing on 17.11.2014 at 4 PM on which date he must present himself before the Commission. Written submission, if any, should reach the Commission by 12.11.2014 positively.

(Decision of Shri Yashovardhan Azad, Information Commissioner)

[Shri P.K. Verma vs AE (Building)/CPIO, NDMC, Karol Bagh; F. No.CIC/DS/A/2013/ 002560-YA]

### **Furnish information/documents as available on record**

It is clarified that the CPIO, under the RTI Act, is required to furnish information/documents as available on record; however, eliciting answers to queries, redressal of grievance, reasons for noncompliance of rules/contesting the actions of the respondent public authority are outside the purview of the Act.

(Decision of Shri Basant Seth, Information Commissioner)

[Mr. Dharmnath Singh vs CPIO & RLC (Central), M/o Labour & Employment; File No. CIC/BS/A/2014/001495/7827]

### **DDA to provide information and also enquire why letters of NDMC have not been attended to and who is responsible for it**

It is clear that Dy. Director (New Leases) of Land Management Department, DDA with whom respondent Ms. Usha Ravichandran DD (IL) has discussed the issue, holds the information sought by appellant Shri Chet Ram. Dy. Director (New Leases) Land Management Department, DDA is, therefore, directed to provide the information sought by appellant Shri Chet Ram within ten working days of the date of receipt of this Decision Notice.

Ms. Usha Ravichandran will also enquire into the reasons why two letters from NDMC addressed to DDA have not been attended to and are now untraced. Copies of both these letters were handed over to her in the hearing by NDMC. Ms. Ravichandran will enquire as to whether these letters were actually received, if so in which Wing, and after receipt the manner of their disposal and submit a report to us within 15 working days of the receipt of this Decision Notice. If it is found that the receipt remained unattended to she will identify the officials responsible for the delay and include this information in the above report to be submitted to us.

(Decision of Shri Wajahat Habibullah, Chief Information Commissioner)

[Shri Chet Ram vs New Delhi Municipal Corporation (NDMC); Appeal No. CIC/WB/ A/2007/ 00446]

### **Do not make misleading statements; Put information in Public Domain**

The Commission finds that the replies provided to the appellant could have been elaborate enough to explain him regarding act/statute constituted by authority/ministry, nodal agencies looking after affairs/taking action, process of registering complaints, etc. in case where no guidelines have been made to check hygiene standards for hotels/restaurants, etc. The replies already provided to the appellant were abbreviated. Therefore, the Commission directs PIOs, East/North/South DMCs, NDMC and Department of Food Safety to provide revised replies to the appellant within three weeks of receipt of this order, along with copies of relevant rules/guidelines/circulars, free of cost for the first 15 pages, after which the requisite fee may be charged for further copies. The information shall be sent to the appellant under intimation to the Commission.

The Commission finds that the respondent from the North DMC was unprepared and was not aware of the facts of the case. The RTI application was replied to by North DMC vide letter dated



23.09.2013. The respondent is, therefore, cautioned not to make misleading statements and be aware of the facts and circumstances of the case, when appearing before the Commission, in future.

The Commission also directs Commissioners, East/North/South DMCs, Department of Food Safety and Chairman, NDMC to display such information on their official website for the benefit of the public regarding the nodal officer to be approached for filing complaints regarding hygiene standards in hotels/restaurants. Also, the helpline numbers should be started again for public convenience.

(Decision of Shri Yashovardhan Azad, Information Commissioner)

[Shri Santosh Kumar Kappu vs PIO/Dy. Secy. O/o Chief Minister, Delhi Dr. N.R. Das, PIO/Addl. MHO East Delhi Municipal Corporation; .No. CIC/YA/A/ 2014/000353]

**Commission under Section 19(8) (a) (v) directs the respondent authority to take steps to provide adequate training to CPIOs & FAAs  
Establish that the information sought regarding the technical bid of the tender is in larger public interest.**

In the instant case, information sought by the appellant relates to financial/technical bids of a third party, which have been treated as confidential by the Respondent Authority and the third party itself. The sum-total of respondents' arguments is that appellant has tried to project his personal interest as public interest in order to force the third party to share with him all the confidential information to defend its position in the law suit by the appellant.

Having considered aforementioned submissions of the PIO, the Commission is of the view that the information as sought for by the appellant relates to commercial confidence, trade secrets of a third party, the disclosure of which would harm the competitive position of the third party and disclosure of which is exempted under the provisions of Section 8(1) (d) of the RTI Act.

Section 8(1) (d) of the RTI Act exempts from disclosure-

*“information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information.*

From a plain reading of Section 8(1) (d) of the RTI Act it follows that the PIO is exempted from furnishing information including commercial confidence, trade secrets, intellectual property, the disclosure of which would harm the competitive position of a third party. Therefore, in order to come within the exemption under Section 8(1) (d) of the RTI Act, the critical test to be applied is whether the disclosure of the information sought would harm the competitive position of a third party.

In the instant case, it is evident that the Third Party to whom the information relates, have objected to the disclosure of the information in toto. The protection afforded by virtue of the exemption from disclosure enacted under Section 8(1) (d) of the RTI Act cannot be lifted or disturbed unless the appellant is able to justify how such disclosure would be in 'larger public interest'. The burden of establishing that the information sought was exempted from disclosure under Section 8(1) (d) of the RTI Act, however, shall lie on the PIO.

In the instant case, the PIO has not replied invoking the appropriate exemption clause under Section 8(1) (d). The PIO in response to both the RTI applications has merely stated that the information, as denied by the third party, cannot be provided to the appellant. The PIO's replies dated 19.08.2013 & 18.06.2013 were, in effect, an order under Section 11(3) of the RTI Act.

The FAA, too, has not disposed of the appeals when it should have passed a speaking order to determine whether information on financial/ technical bids should not be disclosed under Section 8(1)(d) as the information relates to commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, disclosure of which has no relationship to any public activity or interest or which would cause unwarranted invasion of the privacy of the individual he was satisfied that the larger public interest justifies the disclosure of such information; or whether CPIO intended to disclose the information relating to third party. Commissioner, NDMC is requested to take notice of the fact that the FAA has not disposed of the first appeals in the above cases, for suitable action.

Keeping in view the information sought, i.e., copies of financial and technical bids of a third party, the Commission would like to draw the attention of both parties to the Black's Law Dictionary, 4th Rev. Edn., definition for the terms 'bid' and 'technical' as:-

"BID. An offer to perform a contract for work and labor or supplying materials at a specified price."  
"TECHNICAL. Belonging or peculiar to an art or profession. Technical terms are frequently called in the books "words of art."

The Delhi High Court's decision in *Bharat Sanchar Nigam Ltd. vs Shri Chander Sekhar* (LPA No. 900/2010), was also of the view that the bidders in the technical part may reveal to the tender calling institution their technology and processes evolved and developed by them and which technology and processes may not otherwise be in public domain and which the bidder may not want revealed to the competitors and which technology/processes the bidder may be using works for the other clients also and which technology/processes if revealed to the competitors may lead to the bidder losing the competitive edge in subsequent awards of contracts. The relevant portion of the judgment is reproduced as under:-

*"10. ...The vendor's object is to get the bidders to bid "blind" in the hope that then they will bid more than they would if they knew how far other bidders had gone. Additionally, from each bidder's point of view his own bid is confidential and not to be disclosed to any other bidder, and he makes his bid in the expectation, encouraged by the invitation to submit a sealed bid, that his bid will not be disclosed to a rival. If, therefore, a rival has disclosed to him by the vendor the amount of another's bid and uses that confidential information to pitch his own bid enough to outbid the other, this is totally inconsistent with the basis on which each bidder has been invited to bid, and the rival's bid is not a good bid; likewise if the rival adopts a formula that necessarily means that he is making use of what should be confidential information (viz. the bid of another) in composing his own bid. In such a case, the amount of the other's bid is being constructively divulged to him. The process of inviting tenders has an element of secrecy – since nobody knows what would be the bid of the competitor, everyone will try to show preparedness for the best of the terms which will be acceptable to the institution calling the tenders....*

*11. ... If it were to be held that a bidder by virtue of participating in the tender becomes entitled to all particulars in the bids of all the bidders, the possibility of unscrupulous businessmen*

*participating in the tender merely for acquiring such information, cannot be ruled out. Such disclosure may lead to the competitors undercutting in future bids. We may at this stage notice that the Freedom of Information Act prevalent in United States of America as well as the Freedom of Information Act, 2000 in force in United Kingdom, both carve out an exception qua trade secrets and commercial or financial information obtained from a person and which is privileged or confidential. The tests laid down in those jurisdictions also, is of "if disclosure of information is likely to impair government's ability to obtain necessary information in future or to cause substantial harm to competitive position of person from whom information is obtained". It has been held that unless persons having necessary information are assured that it will remain confidential, they may decline to cooperate with officials and the ability of government to make intelligent well informed decisions will be impaired. Yet another test of whether the information submitted with the bids is confidential or not is of "whether such information is generally available for public perusal "and of whether such information "is customarily made available to the public by the business submitter". If it is not so customarily made available, it is treated as confidential.*

*13. What thus emerges is that a balance has to be struck between the principle of promoting honest and open government by ensuring public access to information created by the government on the one hand and the principle of confidentiality breach whereof is likely to cause substantial harm to competitive position of the person from whom information is obtained and the disclosure impairing the government's ability to obtain necessary information in future on the other hand....*

*14. Questions also arise as to the information contained in the bids / tenders of the unsuccessful tenderers. Often it is found that the same is sought, to know the method of working and to adversely use the said information in future contracts. Generally there can be no other reason for seeking such information.*

*15. Once we hold that the information of which disclosure is sought relates to or contains information supplied by a third party and which the third party may claim confidential, the third party information procedure laid down in Section 11 of the Act is attracted...*

In the instant case, the appellant has not succeeded in establishing that the information sought regarding the technical bid of the tender is in larger public interest. It being so, the information is exempted from disclosure under Sections 8(1) (d) of the RTI Act. However, limited financial information as to the financial quotation/price quoted by the third party in the said tender be provided to the appellant, as the disclosure of the same, at this belated stage is not going to cause any harm to any of the parties.

The Commission under Section 19(8) (a) (v) directs the respondent authority to take steps to provide adequate training to CPIOs & FAAs so that they can discharge their duties with greater responsibility and do not commit errors that can change the course of private litigation in favour of a particular party.

(Decision of Shri Yashovardhan Azad, Information Commissioner)

[Shri Ajay Chadha vs Charak Palika Hospital, NDMC; F. No. CIC/DS/A/2013/001664-YA]

## **Appellate Authorities**

### **Appeals remanded back to Appellate Authority**

Shri Wajahat Habibullah, Chief Information Commissioner observed we have examined the file and heard respondents. It would appear that the information available with the Architecture & Environs Department NDMC has been provided. However, information sought from Estates department does not appear to have been provided thus far. On the other hand such information could have been collated at the level of Appellate Authority which in this case has been bypassed. Had appellant made a complaint before us we may have taken cognizance but in this case no grounds have been presented by appellant for approaching us directly except to cite decision of 31-3-06 without clarifying any grounds for seeking recourse to Section 18(1) rather than Section 19 (1) of the RTI Act. We are also unable to find a reason for treating this appeal as a complaint, as the applications for information have been responded to by the PIO. For this reason the two appeals are now remanded to the Appellate Authority to examine the application and the response and ensure that any information remaining from any other section of the NDMC to which it has been referred is provided to the appellant within the parameters of Section 8 (1) of the RTI Act. [Shri R. P. Jain vs NDMC; Appeal No. CIC/WB/A/2006/00399 & 444]

### **No necessity for an appellant to go for a hearing**

The FAA had not passed any order since the Appellant did not go for the hearings fixed by him. There is no necessary for an Appellant to go for a hearing and the Appellate Authority should have passed an appropriate order based on the submissions. The PIO shows that the most of the queries of the Appellant do not seek information as defined under Section 2(f) of the RTI Act and whatever information was possible was provided. The PIO's contention appears to be correct. The Appeal is dismissed. The information has been provided to the Appellant and some of the queries do not seek information as defined under Section 2(f) of the RTI Act. (Decision of Shri Shailesh Gandhi, Information Commissioner) [Mr. P.L. Kathuria vs Public Information officer, Enforcement Department, New Delhi Municipal Council; Appeal No. CIC/SG/A/2009/001465]

### **Request for further information cannot be made at appeal stage**

We find that in her original application of 15.6.06, the information sought by Dr. Deepa Bhatia was only in regard to the number of vacancies available for appointment in various cadres without any mention of the discipline. If on the basis of the information she has received in response to her application, she requires further information, Dr. Bhatia is free to make a fresh application under RTI Act for the purpose. This request, however, cannot be raised in appeal as rightly held by Appellate Authority, Member Secretary, NSES. In fact Member Secretary, NSES has gone further in agreeing that since the information pertains to the same issue, the PIO NSES provide the same in 15 days' time. Appeal in this case is, therefore, unsustainable. (Decision of Shri Wajahat Habibullah, Chief Information Commissioner) [Dr. Deepa Bhatia vs N.D.M.C. (Navyug Schools Educational Society); Appeal No.CIC/ WB/A/ 2006/00536]

### **FAA is duty bound to pass an order based on the submissions before it**

The First Appellate Authority (FAA) Dr. P. K. Sharma, MOH has not given any order in this matter on the plea that the Appellant has not come for the hearing. It is required that an opportunity of hearing should be given to the PIO and the Appellant but in the event they do not wish to take the opportunity of hearing and do not come the FAA is duty bound to pass an order based on the submissions before it. The Commission warns the FAA to issue an order on first appeals within the time mandated in the RTI Act. Most of the information has been provided by the PIO.

(Decision of Shri Shailesh Gandhi, Information Commissioner)

[Mr. Jawahar Singh vs Public Information Officer & Chief Medical Officer O/o the PIO (Health), New Delhi Municipal Council; Appeal No. CIC/SG/A/2010/002917]

### **First Appellate Authority appears to be guilty of dereliction of duty; PIO should come prepared**

The First Appellate Authority Director (Vigilance) appears to be guilty of dereliction of duty since he does not appear to have passed any order in the matter. The First Appellate Authority Director (Vigilance) is directed to present himself before the Commission with his explanation to show cause why the Commission should not recommend disciplinary action against him for dereliction of duty.

The PIO has come totally unprepared before the Commission in the hearing. The Commission warns the PIO that he must come prepared and know the subject for which he is appearing in the hearing. If officers come for the hearing without having studied the subject they are wasting time of the Commission and the Appellant. The PIO admits that no information that was sought has been provided.

(Decision of Shri Shailesh Gandhi, Information Commissioner)

[Mr. Bheesham Sharma vs Public Information Officer & Dy. Director, New Delhi Municipal Council; Appeal No. CIC/SG/A/2010/000513]

### **Resolve matter at the stage of first appeal which has not been done**

The Commission decided to examine the following issues:

1. Whether or not such a file (sought by applicant) exists, inspection of which has been sought by the appellant?
2. Whether a penalty can be imposed on the PIO for “deliberately, knowingly, illegally and malafidely denying to the appellant his legitimate right to access information and inspection of files available with the Public Authority?”

With regard to issue No. 1, appellant Shi R. Bhandoola has produced before us a copy of a letter dated 31.10.05 from Director (PR) and Competent Authority under Delhi Right to Information Act, 2001 Shri Madan Thapliyal which is a rejection order under that Act, in which Director Enforcement is quoted in a letter of 27.10.05 as having said

*“The Director (Enforcement) has informed that the relevant file was busy in the Tees Hazari Court. However, the court file was called by requesting Legal Advisor and the court file sent could not*

*serve the required purpose. As such, the inspection by the applicant could not be held due to non availability of relevant record."*

A copy of this rejection order has also been handed over to Shri S. S. Rao during the hearing. This letter gives reasonable cause to believe that such a file as sought to be inspected by appellant Shri Bhandoola does in fact exist. Since NDMC is a single public authority it becomes the responsibility of any PIO of that authority to obtain the information sought from the dealing authority and provides it to the applicant either through the dealing authority or by obtaining the information and supplying the same. This is as we have held in the case of Er. Sarbajit Roy vs. D.D.A, Appeal No. 10/1/2005- CIC dated 20/2/'06. Under these circumstances although PIO may have been justified in holding that he had not held any such file, because the initial application made no mention of the earlier reference, it was not open to the Appellate Authority, when this fact was pointed out in appeal, to not examine the appeal in light of this observation or at the very least exercise the provision of transfer under Sec. 6(3) of the Act. The then Appellate Authority Shri S. S .Rao has admitted as much in his response both in writing and before us. He is now directed to obtain the file from the L&DO or from whichever department of the NDMC is in possession of the file in question to make it available for inspection of appellant Shri Ramesh Bhandoola. This can be done on any mutually convenient date within fifteen working days of the date of issue of this. This issue is disposed of accordingly.

(Decision of Shri Wajahat Habibullah, Chief Information Commissioner)

[Shri Ramesh Bhandoola vs New Delhi Municipal Council; Appeal No. CIC/WB/A/ 20006/00407]

**Names and email addresses not provided in Court Case  
Query raised at the time of filing first appeal should have been  
dealt with by the FAA**

After hearing the parties and on perusal of record, the Commission in F. No. CIC/ DS/A/2013/001296-YA, directs the PIO to provide information regarding court cases for Shankar Market along with details of total number of cases filed, as per the available record. The Commission finds that the appellant's ground of appeal regarding information not provided on judgments for or against plaintiffs, was a new query and the PIO is not bound to deal with the same. The information shall be provided to the appellant, as per available record, within three weeks of receipt of this order, under intimation to the Commission. Further, the details regarding phone Nos/email addresses of all plaintiffs cannot be provided to the appellant as the same is third party information under Section 8(1) (j), the disclosure of which serves no larger public interest.

Further, the FAA is cautioned not to deal with first appeals in a non-chalant manner. The fact that the appellant raised a new query at the time of filing first appeal should have been dealt with by the FAA. Chairman, NDMC is directed to take note of the manner in which the FAA has dealt with the instant appeal. This is for information and necessary action, as deemed fit. A copy of this order may be marked to Chairman, NDMC.

(Decision of Shri Yashovardhan Azad, Information Commissioner)

[Shri Harsh Vardhan Nayyar vs New Delhi Municipal Council; F. No. CIC/ DS/ A/2013/ 001296-1297, 1358-1359YA]

**First Appellate Authority found guilty of dereliction of duty**

The appellant had filed a first appeal on 22/03/2010 and has produced of having submitted the appeal at NDMC. The PIO and the Appellant were confirmed that the FAA had not held by hearing and had not passed any order in this matter. The First Appellate Authority Mrs. Mamta Rani Agarwal, Director appears to be guilty of dereliction of duty since she does not appear to have passed any order in the matter.

[Mr. Hakam Singh vs Public Information Officer & Dy. Director NDMC; Appeal No. CIC/SG/A/2010/001098]

## **Central Information Commission**

### **Abide by decision of the CIC; Notice issued for Non-compliance**

Ms. Annapurna Dixit, Information Commissioner observed that it seems that the information has not been provided to the Appellant by the PIO/L&DO despite the Commission's order. It is also noted that the PIO/L&DO has not provided any explanation to the show cause notice issued to him vide order dated 6.9.12. Even so, the concerned PIO/L&DO is being given one last opportunity to respond to the show cause notice issued to him and also to explain why no information was provided to the Appellant in compliance with the Commission's order. The PIO cum L&DO is directed to be present before the undersigned on 7th December, at 5.15p.m. along with one set of information and the response to the show cause notice. The Appellate Authority is directed to identify the PIO who is to respond to the show cause notice.

[Shri S. Govinder Singh vs New Delhi Municipal Council, O/o the PIO/DCA (STC), Deptt. of Architect & Environs; File No: CIC/AD/A/2012/001749]

### **Inspection of file allowed: Redress of grievance outside purview of CIC**

Shri Wajahat Habibullah, Chief Information Commissioner observed that since the information sought has been provided to appellant there is no further cause of action in this case in regard to the original application. However, because under section 7(9) of the Act information is to be supplied in the form in which it was asked, which in this case was question and answer, the public authority is to provide the clarifications sought by appellant in the context of each of the questions that he has raised. As clarified in the hearing, under the RTI Act appellant is within his right to seek any information held by respondents. Redress of grievance, however, is outside the pale of RTI Act 2005.

[Shri Harish Tripathi vs Dep't. Of Architecture, N.D.M.C; Appeal No.CIC/WB/A/ 2007/ 00073]

### **Commission not the appropriate forum for seeking additional information Inform about the First Appellate Authority; Public Grievance Commission has no authority to take action under Section 20 of that Act**

At the outset it was clarified to appellant that the Commission was not the appropriate forum for seeking additional information not asked for in the original application. Therefore, the supplementary appeals are not being considered as had been clarified on the appeal notice issued by this Commission. Moreover, citing the Public Grievance Commission of Delhi as a party in this case was also misplaced, The PGC is not an institution under the RTI Act, 2005 and has no authority to take action under Section 20 of that Act, which was the relief sought from that Commission by appellant, as explained in PGC's response to our appeal notice. In case appellant has a complaint against the action taken by the Public Grievance Commission on his complaint, he may seek further information from the Public Grievance Commission, which is a public authority as defined under Section 2(h)(c) of the RTI Act.

It was, however, pointed out to PIO Director (A/c) NDMC that in dealing with the application, even when it is rejected, the applicant is required to be informed of the Appellate



Authority whom he may approach for redress. In this case this was not done with the result that applicant first approached the Chairperson of the NDMC and then the Public Grievance Commissioner and was, therefore, put to unnecessary inconvenience. In the event, we find that appellant has corresponded with Financial Advisor NDMC, the designated Appellate Authority, but only after moving his second appeal/complaint before us. However, because for the failure of being informed of the designated Appellate Authority in time, appellant was justified in moving his first appeal with Chairperson NDMC, an officer 'senior in rank to the CPIO' as required under Section 19(1). We have therefore treated this as a 2nd appeal

(Decision of Shri Wajahat Habibullah, Chief Information Commissioner)

[Shri M. S. Kaushika vs New Delhi Municipal Council; Appeal No. CIC/WB/A/2006/ 00347]

**It is not CIC's practice to impose penalties on retired personnel;  
Compensation be paid to applicant**

This leaves only the question of delay in response and failure to comply with the orders of the First Appellate Authority. In this case it is admitted that there has been a delay at the level of CPIO Er. S. C. Gupta in supplying the information sought by appellant Dr. Ranbir Singh. Er. Gupta has thus rendered himself liable for penalty @ Rs. 250/- a day from 20.7.07 to 23.8.07 when the information was supplied. However, Er. S.C. Gupta has also now retired from service and it is not our practice to impose penalties on retired personnel. Therefore, there will be no penalty in this case.

NDMC having failed to provide any convincing reasons for the undue delay in supply of information to Dr. Ranbir Singh, will pay a token compensation of Rs. 1500/- (Rupees one thousand five hundred only) to cover any loss that he might have suffered in consequence of his having had to pursue a matter which could have been resolved at the level of the CPIO. This amount will be paid to appellant Dr Ranbir Singh within ten working days of receipt of this Decision Notice

(Decision of Shri Wajahat Habibullah, Chief Information Commissioner)

[Dr. Ranbir Singh vs New Delhi Municipal Council (NDMC).; Appeal No.CIC/WB/A/ 2007/01442]

**Notice for imposing penalty issued for not supplying information on due date**

Commission observed that the information sought by appellant Shri Chet Ram from the NDMC as held by that public authority has been supplied to appellant Shri Chet Ram. The question here, however, is that although the matter was referred to the DDA, Dy. Director (Institutional) information sought has not been received from him. To allow exercise of his right to information by appellant Shri Chet Ram, therefore, another hearing will be held in this case on 25th July, 2008 at 11.00 a.m. when Dy. Director (Institutional) DDA is also expected to be present with the documents sought or with arguments under the RTI Act that why the information sought cannot be disclosed. Since the matter was transferred under Section 6(3) (i) to Dy. Director (Institutional) DDA on 17-5-07, Dy. Director (Institutional) DDA will also show cause on 25-7-08 at 11.00 a.m. before us as to why he should not be held liable for penalty of Rs. 25,000/- under Section 5(5) for not supplying the information on the date it became due i.e. 17-6-07 till date. The present appeal is thus disposed of accordingly. The subsequent hearing above will be in the nature of an adjunct. Notice of this decision be given free of cost to the parties.

(Decision of Shri Wajahat Habibullah, Chief Information Commissioner)

[Shri Chet Ram, Shri Bhavindra Kumar vs CE (C), NDMC; Appeal No. CIC/WB/A/ 2007/00446]



## **Fee Matters**

### **Do not refuse applications where payment made is in the name of Accounts Officer**

Shri Shailesh Gandhi, Information Commissioner observed that PIO has provided most of the information and also given an inspection of the relevant files. The appellant admits this. The Appellant shows that NDMC has been refusing to accept RTI application where the payment of fees is made in the name of Accounts Officer NDMC. As per the central rules for RTI payments have to be made in the name of Accounts Officer Public Authority. The PIO is directed to ensure that all authorities in NDMC accept IPOs in the name of Accounts Officer.

[Mr. Rahul Gupta vs PIO & Dy. Chief Architect, Department of Architecture and Environs, NDMC; Appeal No. CIC/SG/A/2011/000789]

### **PIO should indicate the amount of fee which the Appellant is to deposit**

The PIO has for most of the queries of the Appellant that “copy/details can be obtained after depositing the requisite fee that Rs.2/- per copy after getting challan to undersigned office”. The PIO has however not indicated how many pages the information consists of and how much additional fee has to be deposited by the Appellant. The Appellant states that he has visited the PIO number of times but has not been given any information, as to how much money needs to be paid. The PIO has erred in this matter.

Section 7(3) of the RTI Act states, “Where a decision is taken to provide the information on payment of any further fee representing the cost of providing the information, Central Public Information Officer or State Public Information Officer, as the case may be, shall send an intimation to the person making the request, giving-(a) the details of further fees representing the cost of providing the information as determined by him, together with the calculations made to arrive at the amount in accordance with fee prescribed under sub-section (1), requesting him to deposit that fees, and the period intervening between the dispatch of the said intimation and payment of fees shall be excluded for the purpose of calculating the period of thirty days referred to in that sub-section;”.

Thus the PIO should have indicated the amount of fee which the Appellant was to deposit.

(Decision of Shri Shailesh Gandhi, Information Commissioner)

[Mr. Mahatma Mahto vs PIO, Dept. Housing, New Delhi Municipal Corporation (NDMC)

Appeal No. CIC/SG/A/2011/001331]

### **Do not return RTI applications on the ground that IPO is not in favour of Secretary NDMC**

It is acknowledged by the respondent that the Appellant had sent RTI application along with an IPO of Rs.10/-. The PIO has returned the application on the ground that the IPO is not in favour of the Secretary, NDMC. The Appellant had sent the IPO in favour of Accounts officer, NDMC as per the Central Rules framed for RTI. The PIO has therefore erroneously returned the IPO and not send the information as she was required to do under the RTI Act. The Commission directs NDMC

to ensure that such mistakes are not made and all PIOs are informed that they must accept IPOs or Bank Drafts in favour of Accounts Officer, NDMC as mandated by the Rules.

(Decision of Shri Shailesh Gandhi, Information Commissioner)

[Mr. Kuldeep Singli Yadav vs PIO & AD (PR), NDMC; Appeal No. CIC/SG/A/2011/ 001016]

## References of High Court and Supreme Court Judgments

### Supreme Court Judgments

Issue	Reference of Court Judgment
A judge is not bound to explain later on for what reasons he had come to such a conclusion	Khanapuram Gandaiah vs Administrative Officer & Ors. In SLP (Civil) NO.34868 OF 2009
The disclosure of names and addresses of the members of the Interview Board would ex facie endanger their lives or physical safety	Bihar Public Service Commission vs Saiyed Hussain Abbas Rizwi & Anr; Civil Appeal No 9052 of 2012; Arising out of SLP (C) No.20217 of 2011
Information about medical bills of judges cannot be provided	Secretary General of Supreme Court of India vs Subhash Aggarwal
Public servants cannot claim exemptions from disclosure of charges against them or details of their assets	Union of India v. ADR in Appeal (Civil) 178 of 2001 and W. P. (Civil) 294 of 2001
Section 8(3) of RTI Act is not a provision requiring all 'information' to be preserved and maintained for twenty years or more	Central Board of Secondary Education & Anr. Vs. Aditya Bandopadhyay & Ors. Civil Appeal No.6454 OF 2011
Public Authority is not required to provide 'advice' or 'opinion' to an applicant	CBSE vs Aditya Bandopadhyay & Ors.; C.A. No.6454/2011
Copies of memos issued to the third respondent, show cause notices and orders of censure/punishment etc. are qualified to be personal information	Ramchandra Deshpande vs. Central Information Commissioner & Ors. Special Leave Petition (Civil) No. 27734 of 2012
Divulging of third party information regarding ACR is not in the public interest	Shri R. K. Jain vs Union of India and another; Civil Appeal No. of 2013 arising out of SLP(C)No. 22609 of 2012

### High Court Judgments

Issue	Reference of Court Judgment
Get the record reconstituted and give information to applicant	High Court of Jharkhand, The Commissioner (Appeal) of Central Excise and Service Tax, Ranchi vs Central Information Commission, New Delhi
Fix responsibility for the loss of the record and take appropriate departmental action against the officers/ officials responsible for loss of the record	Delhi High Court in its decision dated 13/09/2013 (W.P.(C) 3660/2012 & CM 7664/2012 Union of India vs. Vishwas Bhamburkar
Access to information, under section 3	Shri Bhagat Singh vs. Chief Information

of the Act, is the rule	Commissioner and Ors.; WP(C) No. 3114/2007; High Court Of Delhi]
Motive of a person seeking information is not relevant	Shri V. V. Mineral vs. The Director of Geology & mining, Chennai and others reported in 2007 (4) MLJ 394
‘Public interest in form of right to privacy’ and ‘public interest in access to information ‘is to be balanced	Union Of India Thr. Director vs Central Information Commission &ors. Writ Petition (Civil) No. 8396 Of 2009
Prefer first appeal before going to CIC	Rajeev Vermaversus UOI; W.P. (C) 7072/2009, CM. No.2584/2009; High Court of Delhi
Penalty can be imposed if the Commission is satisfied that the delay occurred was without reasonable cause or that there the refusal to receive application or the request was denied malafidely. Court orders refund of penalty.	Col. Rajendra Singh vs C .I. C.; WP(C) 5469/2008; High Court of Delhi
Service book needs to be guarded	High Court of Madhya Pradesh in the case of Shrikant Pandya vs State of MP

**List of APIO/PIO/Appellate Authority****Audit Department**

S. No.	PIO/APIO	Designation	Address	Contact No.	Jurisdiction
1.	APIO	Section Officer(SO Hqs.	Office of the Auditor,Room No.1309, 13th Floor, Palika Kendra, New Delhi-110001	011-23364071,Extn.3309,3305	All Municipal Audit Matters
2.	PIO	SR.A.O.(Hqs.)	Office of the Auditor,Room No.1309, 13th Floor, Palika Kendra, New Delhi-110001	011-23364071,Extn.3309,3305	All Municipal Audit Matters
3.	Appellate Authority	Dy. Chief Auditor	Office of the Auditor,Room No.8014, 8th Floor, Palika Kendra, New Delhi-110001	011-23342310 Extn.-2814	All Municipal Audit Matters

**Architecture & Environs Department**

S. No.	PIO/APIO	Designation	Address	Contact No.	Jurisdiction
1.	APIO	Architect(North)	Room No.1114 11th Floor, Palika Kendra,New Delhi-110001	41501354-60 Extn.-3114	Architect matters with sanctioning of buildings plans and designing for projects in NDMC area
2.	PIO	DCA(South)	Room No.1204 12th Floor, Palika Kendra,New Delhi-110001	23743577 41501354-60 Extn.3667	Architect matters with sanctioning of buildings plans and designing for projects in NDMC area
3.	Appellate Authority	ChiefArchitect	Room No.1201 12th Floor, Palika Kendra,New Delhi-110001	23742984 41501354-60(Extn.-3201	

**Charak Palika Hospital**

S. No.	PIO/APIO	Designation	Address	Contact No.	Jurisdiction
1.	APIO	CMO(ISM&H)	Charak Palika Hospital, Moti Bagh,New Delhi-110021	24677439 M NO.9871858777	Medical Services of NDMC
2.	PIO	CMO(Medical)	Charak Palika Hospital, Moti Bagh,New Delhi-110021	26114466 9810524636	Medical Services of NDMC
3.	Appellate Authority	Director(MS)	Charak Palika Hospital, Moti Bagh,New Delhi-110021	26870934 9968144266	

**Civil - I Engineering Department**

S. No.	PIO/APIO	Designation	Address	Contact No.	Jurisdiction
1.	APIO	E.E(Civil)Road.	2nd Floor, Palika Kendra, New Delhi-110001	9899661168	Maintenance of Road Building works and public health
2.	PIO	S.E.-(I) (R)	Room No.1408 14th Floor, Palika Kendra, New Delhi-110001	23367665 Extn. 3408	Maintenance of Road Building works and public health
3.	Appellate Authority	Chief Engineer(Civil -I)	Room No.1501 15th Floor, Palika Kendra, New Delhi-110001	23743243 Extn.3501	

**Civil Engineering - II Department**

S. No.	PIO/APIO	Designation	Address	Contact No.	Jurisdiction
1.	APIO	EE(BM-PK)	Room No.1615 16th Floor, Palika Kendra, New Delhi-110001	23362816 Extn.3615	Building Maintenance and Construction division in NDMC area.
2.	PIO	SE(BM-I)	Room No.1621-22 16th Floor, Palika Kendra, New Delhi-110001	23341621 Extn. -3602	Building Maintenance and Construction division in NDMC area.
3.	Appellate Authority	C.E(C-II)	Room No.1601 16th Floor, Palika Kendra, New Delhi-110001	23744790 Extn. -3602	

**Council Secretarial Department**

S. No.	PIO/APIO	Designation	Address	Contact No.	Jurisdiction
1.	APIO	SO(CS)	Room 1212-1213 12 th Floor, Palika Kendra, New Delhi-110001	41501353-60 Extn.3213	Coordination Department
2.	PIO	Dy. Dir.(CS)	Room No.5014 11th Floor, Palika Kendra, New Delhi-110001	41501353-60 Extn.2050	Coordination Department
3.	Appellate Authority	Director(CS)	Room No.3010 3rd Floor, Palika Kendra, New Delhi-110001	41501353-60 Extn.2309	Coordination Department



**Commercial Department**

S. No.	PIO/APIO	Designation	Address	Contact No.	Jurisdiction
1.	APIO	A.E.(Comml.)	Room No.104, SBS Place, Gole Market, ,New Delhi-110001	011-23365185, 23348964(Extn.- 136)	All matters relating to Elect. Enforcement & Commercial Department
2.	PIO	SE(Comml.)	Room No.103 SBS Place, Gole Market,New Delhi-110001	011-23341606	All matters relating to Billing, Meter Reading, Meter Installation, Connection & Disconnection
3.	Appellate Authority	Dir.(Comml.)	Room No.5001 05 th Floor, Palika Kendra,New Delhi-110001	011-23744227 2501	All Commercial Department

**Education Department**

S. No.	PIO/APIO	Designation	Address	Contact No.	Jurisdiction
1.	APIO	DEO(A)	Room No.8016 8 th Floor, Palika Kendra,New Delhi-110001	41501353-60 Extn.-2816	Overall administration of Middle to Sr. Sec. Schools
2.	APIO	DEO(B)	Room No.8018 8 th Floor, Palika Kendra,New Delhi-110001	41501353-60 Extn.-2808	Budget and Finance of Education Department
3.	APIO	DEO(G)	Room No.8018 8 th Floor, Palika Kendra,New Delhi-110001	41501353-60 Extn.-2819	Overall administration of Pry. & Nry. Schools.
4.	APIO	S.O.(Edu.-I)  S.O.(Edu.-II)	Room No.8018 8 th Floor, Palika Kendra,New Delhi-110001	41501353-60 Extn.-2401	Whole Education Establishment matters.
5.	APIO	ASEO	Room No.2001 2 nd Floor, Palika Kendra,New Delhi-110001	41501353-60 Extn.-2503	Social Education
6.	APIO	AEO(MMS)	Room No.8018 8 th Floor, Palika Kendra,New Delhi-110001	41501353-60 Extn.-2808	Mid Day Meal in NDMC Schools
7.	APIO	AAO	Room No.8018 8 th Floor, Palika Kendra,New Delhi-110001	41501353-60 Extn.-2813	Budget and Finance of Education Department
8.	PIO	DEO(Comp.)	Room No.1005 10 th Floor, Palika Kendra,New Delhi-110001	23341005 41501353-60 Extn.-2813	Whole Education Department
9.	PIO	Jt.Dir.(Edu.)			Whole Education Establishment matters.

10.	Appellate Authority	Director(Edu.)	Room No.7014 7 th Floor, Palika Kendra,New Delhi-110001	23350114 41501353-60 Extn.-2714	Education Estt. matters. (Details in manual 16)
-----	---------------------	----------------	--	---------------------------------------	---

**Electricity Engineering-II Department**

S. No.	PIO/APIO	Designation	Address	Contact No.	Jurisdiction
1.	APIO	E.E.(C-I)	NDMC, Vidyut Bhawan, Aurangzeb Road, New Delhi-110011	23013269	
2.	APIO	E.E.(C-II)	NDMC, Vidyut Bhawan, Aurangzeb Road, New Delhi-110011	23014142	
3.	APIO	E.E.(C-V)	Room No.1802 18 th Floor, Palika Kendra,New Delhi-110001	23361669	
4.	APIO	E.E.(C-VI)	NDMC, Vidyut Bhawan, Aurangzeb Road, New Delhi-110011	23013595	
5.	PIO	S.E.(Electric-I)	Room No.1703 17 th Floor, Palika Kendra,New Delhi-110001	23344467	C-I, C-II, C-V C-VI
6.	Appellate Authority	Chief Engineer(Elect.-II)	Room No.1706 17 th Floor, Palika Kendra,New Delhi-110001	23361649	
7.	APIO	EE(E)D/N	-----	9999044527	
8.	PIO	SE(E-II)	-----	-----	
9.	APIO	EE(E)M/N	Room No.3, 3rd Floor, Mohan Singh Place , New Delhi.		

**Electricity -I Department**

S. No.	PIO/APIO	Designation	Address	Contact No.	Jurisdiction
1..	APIO	EE(E)BM-II	Vidyut Bhawan, Aurangzeb Road, New Delhi-110011.	011- 23010111/208	
2.	APIO	EE(E)C-III	Vidyut Bhawan, Aurangzeb Road, New Delhi-110011	011- 23010111/208	
3.	APIO	EE(E)C-IV	Vidyut Bhawan, Aurangzeb Road, New Delhi-110011	011- 23010111/208	
4.	PIO	SEE-III	Room No. 17 th Floor, Palika Kendra,New Delhi-110001	011-23745715	
5.	Appellate Authority	Chief Engineer(Elect.-I)	Room No. 17 th Floor, Palika Kendra,New Delhi-110001	011-23362720	

**Enforcement Department**

S. No.	PIO/APIO	Designation	Address	Contact No.	Jurisdiction
1.	APIO	Sr. Asstt.	5th Floor, Pragati Bhawan, Jai Singh Road	23360249	All Enforcement matters
2.	PIO	Dy. Director	5th Floor, Pragati Bhawan, Jai Singh Road	23360249	All Enforcement matters
3.	Appellate Authority	Director(Enf.)	4th Floor, Pragati Bhawan, Jai Singh Road	23347080	All Enforcement matters

**E-BR Department**

S. No.	PIO/APIO	Designation	Address	Contact No.	Jurisdiction
1.	APIO	A.E.(North)	2nd Floor Pragati Bhawan, NDMC, Jai Singh Road New Delhi - 110001	23348360	NORTH OF RAJ PATH AREA FOR UNAUTHORISED CONSTRUCTION MATTER
2.	PIO	Executive Engineer (E-BR)	2nd Floor, Pragati Bhawan, NDMC, Jai Singh Road, New Delhi-110001	23348360	All NDMC AREA FOR UNAUTHORISED CONSTRUCTION MATTER
3.	APIO	A.E.(South)	2nd Floor Pragati Bhawan, NDMC, Jai Singh Road New Delhi - 110001	23348360	SOUTH OF RAJ PATH AREA FOR UNAUTHORISED CONSTRUCTION MATTER
4.	Appellate Authority	Director(E-BR)			All NDMC AREA FOR UNAUTHORISED CONSTRUCTION MATTER

**Finance Department**

S. No.	PIO/APIO	Designation	Address	Contact No.	Jurisdiction
1.	PIO	Dy.F.A(Fin.)	13 th Floor, Palika Kendra,New Delhi-110001	41501353 Extn.-3315	Finance Department Matters
2.	PIO	Dy.F.A.(Fin.-II)	13 th Floor, Palika Kendra,New Delhi-110001	-----	Finance Department Matters
3.	PIO	Dy.F.A.(Fin.-III)	Room No.1315 13 th Floor, Palika Kendra,New Delhi-110001	41501354 Extn.-3316	Finance Department Matters
4.	PIO	Dy.F.A.(Budget)	Room No.1316 13 th Floor, Palika Kendra,New Delhi-110001	-----	Budget Matters.
5.	PIO	A.O(IAB)	Room No.6009 6 th Floor, Palika	41501354 Extn.-2609	

			Kendra, New Delhi-110001		
6.	Appellate Authority	Director(Fin.)	Room No.1317 13 th Floor, Palika Kendra, New Delhi-110001	23365244 41501354 Extn.3317	All Finance Department Matters.

### Fire Department

S. No.	PIO/APIO	Designation	Address	Contact No.	Jurisdiction
1.	APIO	SFO	Fire Deptt. Mezanine Floor, Palika Kendra, New Delhi-110001	23366633	Fire Deptt. related Matter
2.	PIO	AAO(Fire)	Fire Deptt. Mezanine Floor, Palika Kendra, New Delhi-110001	23366633	Fire Deptt. related matter
3.	Appellate Authority	Fire Officer	Fire Deptt. Mezanine Floor, Palika Kendra	23366633	Entire NDMC Area.

### Health Department

S. No.	PIO/APIO	Designation	Address	Contact No.	Jurisdiction
1.	APIO	CMO(HQ))	Room No. 10 th Floor, Palika Kendra, New Delhi-110001	011-23340811 9810650575	Head Qtr. Matters
2.	APIO	CMO(Mal./Lic. /Sanition)	Room No. 10 th Floor, Palika Kendra, New Delhi-110001	011-23366648 9810854673	Malaria, Dengue Control & Food Handlers Unit
3.	APIO	CMO(Birth&Death)	-----	011-23362284 98115471188	Medical Solid Waste and Sanitation, Project and Birth & Death
4.	PIO	CMO(N)	Room No.1010 10 th Floor, Palika Kendra, New Delhi-110001	011-23745323	Public Health
5.	Appellate Authority	MOH	Room No.1002 10 th Floor, Palika Kendra, New Delhi-110001	23742752 9810077166	All Health Activities

### Horticulture Department

S. No.	PIO/APIO	Designation	Address	Contact No.	Jurisdiction
1.	APIO	-----	-----	-----	
2.	PIO	Addl.Dir.(Hort.)	Room No.1018 10 th Floor, Palika Kendra, New Delhi-110001	-----	Connaught Place, Mandi House, Imtiaz Khan Road, Ashoka Road, North avenue, Parliament surrounding, BKS Marg, Man Singh Road Nursery
3.	Appellate Authority	Director(Hort.)	Room No.1301 13 th Floor, Palika Kendra, New Delhi-110001	Extn.3302	

**Information Technology Department**

S. No.		Designation	Address	Contact No.	Jurisdiction
1.	APIO	S.O.(IT)	No.2002 2nd Floor, Palika Kendra,New Delhi-110001	-----	All matter pertain to Information Technology Department
2.	PIO	Jt. Dir.(IT)	No.2002 2nd Floor, Palika Kendra,New Delhi-110001	41501354-60 Extn. 2244	All matter pertain to Information Technology Department
3.	Appellate Authority	Director(IT)	No.7008 7th Floor, Palika Kendra,New Delhi-110001	41501354-60 Extn. 2701	All matter pertain to Information Technology Department

**Law Department**

S. No.	PIO/APIO	Designation	Address	Contact No.	Jurisdiction
1.	APIO				
2.	PIO	Dy. Law Officer	Room No. 8006, 8th Floor, Palika Kendra	41501353-60 2806	All Law Matters with legal work
3.	Appellate Authority	Law Officer	Room No. 8005, 8th floor, Law Department	41500407 (23317607)	

**Municipal Housing Department**

S. No.	PIO/APIO	Designation	Address	Contact No.	Jurisdiction
1.	APIO	S.O.(Mpl. Housing)	Room No.5007, 5th Floor, Palika Kendra	41501353-60 2507	All Municipal Quarters.
2.	PIO	Jt/Dy. Dir.(Mpl. Housing)	Room No.6001, 6th Floor, Palika Kendra	41501353-60	All Municipal Quarters.
3.	Appellate Authority	Director (Mpl. Housing)	Room No. 7001, Palika Kendra	41501353-60	All Mpl Housing matters

**Personnel Department**

S. No.	PIO/APIO	Designation	Address	Contact No.	Jurisdiction
1.	APIO	Section Officer(HE-II)	Room No. 4 th Floor, Palika Kendra,New Delhi-110001	41501354 Extn. 2407	
2.	APIO	Section Officer(HE-I)	Room No.1716 17 th Floor, Palika Kendra,New Delhi-110001	41501354 Extn. 9868233792	
3.	PIO	J.D.(Health)	Room No.6007 6 th Floor, Palika	41501354 Extn.	

Hand Book on Right to Information

			Kendra, New Delhi-110001	9212572868	
4.	APIO	Section Officer(A& H)	Room No.4005 4 th Floor, Palika Kendra, New Delhi-110001	41501354 Extn. 2405	
5.	PIO	Dy. Dir.(A&H)	Room No.5014 5 th Floor, Palika Kendra, New Delhi-110001	41501354 Extn. 2050	
6.	APIO	Section Officer(CR Cell)	Room No.1014 10 th Floor, Palika Kendra, New Delhi-110001	41501354 Extn. 3320	
7.	PIO	Dy. Director (CR Cell)	Room No.5014 5 th Floor, Palika Kendra, New Delhi-110001	41501354 Extn. 2050	
8.	Appellate Authority	Director(Personnel)	Room No.5001 5 th Floor, Palika Kendra, New Delhi-110001	41501354 Extn. 2501 23744227	

**Public Relations Department**

S. No.	PIO/APIO	Designation	Address	Contact No.	Jurisdiction
1.	APIO	Information Asstt.	Mezanine Floor, New Delhi Municipal Council Palika Kendra	23362267 41501353-60-2055	
2.	APIO	Asstt. Information Officer	Mezanine Floor, New Delhi Municipal Council Palika Kendra	23362267 41501353-60-2055	
3.	PIO	Jt. Director(PR)	Mezanine Floor, New Delhi Municipal Council Palika Kendra	23362267 41501353-60-3666	
4.	APIO	Sr. Translator	Room No.1209, 12th Floor, Palika Kendra	41501353-60-3209	
5.	PIO	Sr. Translator	Room No.1209, 12th Floor, Palika Kendra	41501353-60-3209	
6.	APIO	Asstt. Librarian	Central Library, NDCC PHASE-II, Jai Singh Road, New Delhi	23346658	
7.	PIO	Asstt. Librarian	Central Library, NDCC PHASE-II, Jai Singh Road, New Delhi	23346658	
8.	APIO	Sr. Asstt.	Ground Floor, Centralized RTI Cell, Palika Kendra, New Delhi	41501353-60-2028	
9.	CPIO	Asstt. Director/CPIO	Ground Floor, Centralized RTI Cell, Palika Kendra, New Delhi	41501353-60-2028	

10.	Appellate Authority	Director(PR)	2nd Floor Palika Kendra NDMC New Delhi-110001	23348476 2031	
-----	---------------------	--------------	--	------------------	--

**Tax Department**

S. No.	PIO/APIO	Designation	Address	Contact No.	Jurisdiction
1.	APIO	S. O (Tax)	Room No. Palika Kendra, New Delhi- 110001	Extn. 3743	
2.	PIO	Dy. Dir. (Tax)	Room No. th Floor, Palika Kendra, New Delhi-110001	Extn. 2007	
3.	PIO	AO(Tax)	Room No. 18 th Floor, Palika Kendra, New Delhi-110001	41501353-60 Extn.-3818	
4.	Appellate Authority	Director(Tax)	Room No. 3rd Floor, Palika Kendra, New Delhi-110001	41501353-60 Extn.-2304	

**Vigilance Department**

S. No.	PIO/APIO	Designation	Address	Contact No.	Jurisdiction
1.	APIO	S.O.(Vig.)	Room No.7009 7 th Floor, Palika Kendra, New Delhi-110001	9891444208 Extn.-2713	
2.	PIO	Jt. Director(Vig.)	Room No.7010 7 th Floor, Palika Kendra, New Delhi-110001	23365210 Extn.2710	
3.	Appellate Authority	Director(Vig.)	Room No.5001 5 th Floor, Palika Kendra, New Delhi-110001	23742184 Extn.2502	

**Labour Welfare Department**

S. No.	PIO/APIO	Designation	Address	Contact No.	Jurisdiction
1.	APIO	ALWO	Room No.1211 12 th Floor, Palika Kendra, New Delhi-110001	41501353-60 Extn.-3211 9810109565	
2.	PIO	Jt. Dir.(Wel.)	Room No.1211 12 th Floor, Palika Kendra, New Delhi-110001	41501353-60 Extn.-3211 9868380457	
3.	Appellate Authority	Director(Wel.)	Room No.8007 08 th Floor, Palika Kendra, New Delhi-110001	41501353-60 Extn.-2807 011-23748163	

**Accounts Department**

S. No.	PIO/APIO	Designation	Address	Contact No.	Jurisdiction
1.	APIO	AAo(CBS)	Room No.6003 6 th Floor, Palika Kendra,New Delhi-110001	9873252001 Extn.2603	
2.	PIO	AO(CBS/A/Cs)	Room No.6006 6 th Floor, Palika Kendra,New Delhi-110001	23361468 991067371 Extn.2606	
3.	PIO	Jt.CAO-II(A/C)	Floor, Palika Kendra,New Delhi-110001	9311288006	
4.	Appellate Authority	Director(Fin.)	Room No.1317 13 th Floor, Palika Kendra,New Delhi-110001	9971690107 Extn.3317	

**Estate -I Department**

S. No.	PIO/APIO	Designation	Address	Contact No.	Jurisdiction
1.	APIO	Section Officer	Room No.5009, 5th Floor, Palika Kendra	41501353- 60/2509	
2.	PIO	Dy. Director (Estate)	Room No.5011, 5th Floor, Palika Kendra	41500730 2908	
3.	APIO	Asstt. Accounts Officer	Room No.5005 5th Floor, Palika Kendra	41501353- 60/2505	
	PIO	Account Officer (Estate)	Room No.5001-A, 5th Floor,	41501353- 60/2502	
4.	APIO	SO (Comm.Project/Al lotment)	Room no 5004 5th floor palika kendra NDMC	41501353- 60/2503	
5.	PIO	Jt Director Estate	Room No 5006 5th floor palika kendra NDMC	41501353- 60/2503	
6.	Appellate Authority	Director(Estate-I)	Room No. 5016, Palika Kendra	23364210 2516	

**CSO Department**

S. No.	PIO/APIO	Designation	Address	Contact No.	Jurisdiction
1.	APIO	Head Constable	Security Deptt. Ground Floor,Palika Kendra, New Delhi-110001	41501353-60 Extn.-2291	
2.	PIO	AAO	Security Deptt. Mezanine Floor,Palika Kendra, New Delhi-110001	41501353-60 Extn.-2213	
3.	Appellate Authority	Chief Security Officer	Security Deptt. Mezanine Floor,Palika Kendra, New Delhi-110001	41501353-60 Extn.-2040	



**General Admin. Department**

S. No.	PIO/APIO	Designation	Address	Contact No.	Jurisdiction
1.	APIO	Section Officer	Room No.4003 4 th Floor, Palika Kendra,New Delhi-110001	011-23366470	
2.	PIO	Dy. Dir. (GA)	Room No.6000 6 th Floor, Palika Kendra,New Delhi-110001	011-23742532	
3.	Appellate Authority	Director(GA)	Room No.3009 3 rd Floor, Palika Kendra,New Delhi-110001	011-23742532	

**Estate -II Department**

S. No.	PIO/APIO	Designation	Address	Contact No.	Jurisdiction
1.	APIO	Assistant Account Officer	Room No.1711, 17th Floor, Palika Kendra	23361711 3712	
2.	PIO	SO Estate-II	Room No. 1711 17th floor, Palika Kendra	23361711 3712	
3.	Appellate Authority	Director Estate-II	Room No. 5001, 5th Floor, Palika Kendra, New Delhi	23744227 2501	

**Samaj Kalyan Samiti Department**

S. No.	PIO/APIO	Designation	Address	Contact No.	Jurisdiction
1.	APIO	Manager/Warden Aakanksha & Swati Hostel	Aakanksha Working Women Hostel Bhagwan Dass Lane New Delhi	23382849	
2.	PIO	A.A.O. (SKS)	19th Floor, Palika Kendra	23343354 3908	
3.	Appellate Authority	Member Secretary,SKS Director	Room No.3010, 3rd Floor, Palika Kendra	23742532 2309	

**Navyug School Educational Society (NSES) Department**

S. No.	PIO/APIO	Designation	Address	Contact No.	Jurisdiction
1.	APIO	Assistant Accounts Officer	Navyug School Education Society, 1st Floor N P Primary School No-1 Hanuman Road	23347296	
2.	APIO	Administrative Officer	Navyug School Education Society, 1st Floor, N.P. Primary School No-1, Hanuman Road	23347296	
3.	PIO	Dy. Director N.S.E.S	N.S.E.S N.P.PRIMARY SCHOOL NO.1, HANUMAN ROAD NEW	23347296	

			DELHI-110001		
4.	PIO	O.S.D.(ACADE MICS	Navyug School, Mandir Marg New Delhi-110001	23360310	
5.	PIO	Office Manager Grade –I	Navyug School Peshwa Road, Gole Market New Delhi-110001	23363820,23347236	
6.	Appellate Authority	Director	7th Floor, Palika Kendra, N.D.M.C. New Delhi-110001	23360114	

**CHIEF ENGINEER CIVIL-III(WSS)**

S. No.	PIO/APIO	Designation	Address	Contact No.	Jurisdiction
1.	APIO	Ex. Engg. (P-II)	Room No.1401,14th Floor, Palika Kendra	23348552	SE(P) Circle, Civil Engg. Deptt.
2	PIO	S.E. (PH) Civil	Room No.1508, 15th Floor, Palika Kendra	23366471	SE(P) Circle, Civil Engg. Deptt.
3	PIO	CE(C-I)	1501, 15th Floor, Palika Kendra, New Delhi	011-23743243	SE(PH)/SE(P) Circle, Civil Engg. Deptt.

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS  
(Department of Personnel and Training)  
NOTIFICATION  
New Delhi, the 31st July, 2012

G.S.R.603(E).—In exercise of the powers conferred by Section 27 of the Right to Information Act, 2005 (22 of 2005) and in supersession of the Central Information Commission (Appeal Procedure) Rules, 2005 and the Right to Information (Regulation of Fee and Cost) Rules, 2005 except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following rules, namely :—

1. Short title and commencement —(1) These rules may be called the Right to Information Rules, 2012.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.—In these rules, unless the context otherwise requires,—

(a) "Act" means the Right to Information Act, 2005 (22 of 2005);

(b) "Commission" means the Central Information Commission constituted under sub-section (1) of Section 12 of the Act;

(c) "First Appellate Authority" means an officer in the public authority who is senior in rank to the Central Public Information Officer to whom an appeal under sub-section (1) of Section 19 of the Act lies;

(d) "Registrar" means an officer of the Commission so designated and includes an Additional Registrar, Joint Registrar and Deputy Registrar;

(e) "Section" means a Section of the Act;

(f) all other words and expressions used herein but not defined in these rules shall have the same meanings assigned to them in the Act.

**3. Application Fee.**—An application under sub-section (1) of Section 6 of the Act shall be accompanied by a fee of rupees ten and shall ordinarily not contain more than five hundred words, excluding annexure, containing address of the Central Public Information Officer and that of the applicant:

Provided that no application shall be rejected only on the ground that it contains more than five hundred words.

**4. Fees for providing information.**—Fee for providing information under sub-section (4) of Section 4 and sub-sections (1) and (5) of Section 7 of the Act shall be charged at the following rates, namely :—

(a) rupees two for each page in A-3 or smaller size paper;

(b) actual cost or price of a photocopy in large size paper;

(c) actual cost or price for samples or models;

(d) rupees fifty per diskette or floppy;

(e) price fixed for a publication or rupees two per page of photocopy for extracts from the publication;

(f) no fee for inspection of records for the first hour of inspection and a fee of rupees 5 for each subsequent hour or fraction thereof; and

(g) so much of postal charge involved in supply of information that exceeds fifty rupees.

**5. Exemption from Payment of Fee.—**No fee under rule 3 and rule 4 shall be charged from any person who, is below poverty line provided a copy of the certificate issued by the appropriate Government in this regard is submitted along with the application.

**6. Mode of Payment of fee.—**Fees under these rules may be paid in any of the following manner, namely:—

(a) in cash, to the public authority or to the Central Assistant Public Information Officer of the public authority, as the case may be, against a proper receipt; or

(b) by demand draft or bankers cheque or Indian Postal Order payable to the Accounts Officer of the public authority; or

(c) by electronic means to the Accounts Officer of the public authority, if facility for receiving fees through electronic means is available with the public authority.

**7. Appointment of Secretary to the Commission.—**The Central Government shall appoint an officer not below the rank of Additional Secretary to the Government of India as Secretary to the Commission.

**8. Appeal to the Commission.—**Any person aggrieved by an order passed by the First Appellate Authority or by non-disposal of his appeal by the First Appellate Authority, may file an appeal to the Commission in the format given in the Appendix and shall be accompanied by the following documents, duly authenticated and verified by the appellant, namely:

(i) a copy of the application submitted to the Central Public Information Officer;

(ii) a copy of the reply received, if any, from the Central Public Information Officer;

(iii) a copy of the appeal made to the First Appellate Authority;

(iv) a copy of the Order received, if any, from the First Appellate Authority;

(v) copies of other documents relied upon by the appellant and referred to in his appeal; and

(vi) an index of the documents referred to in the appeal.

**9. Return of Appeal.—**An appeal may be returned to the appellant, if it is not accompanied by the documents as specified in rule 8, for removing the deficiencies and filing the appeal complete in all respects.

**10. Process of appeal.—**(1) On receipt of an appeal, if the Commission is not satisfied that it is a fit case to proceed with, it may, after giving an opportunity of being heard to the appellant and after recording its reasons, dismiss the appeal:

Provided that no appeal shall be dismissed only on the ground that it has not been made in the specified format if it is accompanied by documents as specified in rule 8.

(2) The Commission shall not consider an appeal unless it is satisfied that the appellant has availed of all the remedies available to him under the Act

(3) For the purposes of sub-rule (2), a person shall be deemed to have availed of all the remedies available to him under the Act:

(a) if he had filed an appeal before the First Appellate Authority and the First Appellate Authority or any other person competent to pass order on such appeal had made a final order on the appeal; or

(b) where no final order has been made by the First Appellate Authority with regard to the appeal preferred, and a period of forty five days from the date on which such appeal was preferred has elapsed.

**11. Procedure for deciding appeals.—**The Commission, while deciding an appeal may.—

- (i) receive oral or written evidence on oath or on affidavit from concerned or interested person;
- (ii) peruse or inspect documents, public records or copies thereof;
- (iii) inquire through authorised officer further details or facts;
- (iv) hear Central Public Information Officer, Central Assistant Public Information Officer or the First Appellate Authority, or such person against whose action the appeal is preferred, as the case may be;
- (v) hear third party; and ,
- (vi) receive evidence on affidavits from Central Public Information Officer, Central Assistant Public Information Officer, First Appellate Authority and such other person against whom the appeal lies or the third party.

**12. Presence of the appellant before the Commission.—**(1) The appellant shall be informed of the date at least seven clear days before the date of hearing.

(2) The appellant may be present in person or through his duly authorised representative or through video conferencing, if the facility of video conferencing is available, at the time of hearing of the appeal by the Commission.

(3) Where the Commission is satisfied that the circumstances exist due to which the appellant is unable to attend the hearing, then, the Commission may afford the appellant another opportunity of being heard before a final decision is taken or take any other appropriate action as it may deem fit.

**13. Presentation by the Public Authority.—**The public authority may authorise any representative of any of its officers to present its case.

**14. Service of notice by Commission.—**The Commission may issue the notice by name, which shall be served in any of the following modes, namely:—

- (i) service by the party itself;
- (ii) by hand delivery (dasti) through Process Server;
- (iii) by registered post with acknowledgement due;
- (iv) by electronic mail in case electronic address is available.

**15. Order of the Commission.—**The order of the Commission shall be in writing and issued under the seal of the Commission duly authenticated by the Registrar or any other officer authorised by the Commission for this purpose.

[F. No. I/35/2009-1R]  
MANOJ JOSHI, R. Secy.

**APPENDIX**

**FORMAT OF APPEAL  
(See Rule 8)**

1. Name and address of the appellant
2. Name and address of the Central Public Information Officer to whom the application was addressed
3. Name and address of the Central Public Information Officer who gave reply to the Application
4. Name and address of the First Appellate Authority Who decided the First Appeal
5. Particulars of the application
6. Particulars of the order(s) including number, if any, against which the appeal is preferred
7. Brief facts leading to the appeal
8. Prayer or relief sought
9. Grounds for the prayer or relief
10. Any other information relevant to the appeal
11. Verification/authentication by the appellant

### **Disclaimer**

**Though efforts have been made to provide correct information but the users should consult the relevant Act, Rules, Central Information Commission's Decisions, Court Judgments, etc.**

### **Acknowledgements**

**We acknowledge with thanks to the DoPT, CIC and other authorities whose material has been used, for the advantage of the RTI users, officers and staff.**