

CENTRAL INFORMATION COMMISSION
Club Building (Near Post Office)
Old JNU Campus, New Delhi - 110067
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Decision No. CIC/SG/A/2011/001133/13089
Appeal No. CIC/SG/A/2011/001133

Relevant Facts emerging from the Appeal:

Appellant : Mr. Govind Lal Arora,
C/o Bhagwati Timbers, 138/3,
Gali No 10, Block A-2, West Sant Nagar,
Burari, Delhi-110084

Respondent (1) : Mr. Ashish Kumar,
Public Information Officer & SDM(Civil Lines)
Land and Revenue Dept.,
GNCTD, North Distt.
1, Kripa Narayan Marg, Civil Lines,
Delhi

(2) : PIO & ADM(North)
Land and Revenue Dept.,
GNCTD, North Distt.
1, Kripa Narayan Marg, Civil Lines,
Delhi

RTI application filed on : 26/11/2010
Transfer of RTI Application on : 13/12/2010
to PIO/SDM(Civil Lines)
PIO replied : 20/01/2011 & 27/01/2011
First appeal filed on : 01/03/2011
First Appellate Authority order : 31/03/2011
Second Appeal received on : 26/04/2011

S.No	Information sought	Reply of the PIO
1.	Give me copies of all restraint orders issued by SDM (civil lines) from 01-01-2006 to 25-11-2010	Regarding the copies of all restrain orders issued by S.D.M./C.L from 01.01.2006 to 25/11/2010 please mention the case as per report of Reader
2.	Give me the status/copy of status report of land bearing Khasra No. 138/4/2, 138/6/3 and 138/7 of Gram Burari	Regarding status of land bearing Khasra No. 138/4/2, 138/6/3 and 138/7 of Village Burari, copy of Khasra Girdawari is enclosed herewith
3.	Give me the copy of all the complaints given about the above mentioned land (in para 2) from 01-01-2006 to 25-11-2010.	A copy of complaint given against the above mentioned land diary no. 2739/S.D.M/C.L/01 26/10/10 is enclosed herewith.

Ground of the First Appeal:

The information provided is incomplete and unsatisfactory

Order of the FAA:

PIO is directed to provide information regarding restraint orders passed by him between 1/1/2006 to 25/11/2010 to the appellant, provided he has given details of case/cases. If not, he may be asked to provide said details first for obtaining requisite information. As regards point No. 2, Halqa Patwari may he directed to visit the site and furnish status i.e. whether land encroached or not etc. and thereafter, inspection report be provided to the appellant.

Ground of the Second Appeal:

The information provided is incomplete and unsatisfactory.

Relevant Facts emerging during Hearing:

The following were present:

Appellant: Mr. Govind Lal Arora;

Respondent: Mr. Madan Lal, Tehsildar (Civil Lines) on behalf of Mr. Ashish Kumar, Public Information Officer & SDM(Civil Lines);

The Appellant would like to inspect the record with respect to query-1, since the respondent has stated that they do not maintain separate records of restraint orders. It is not possible to provide the information.

The PIO is directed to facilitate an inspection of the relevant records by the Appellant on 01 July 2011 from 11.00AM onwards at the office of the PIO. In case there are any records or file which the appellant believes should exist, which are not shown to him, he will give this in writing to the PIO at the time of inspection and the PIO will either give the files/records or give it in writing that such files/records do not exist.

The RTI Application had been filed with PIO/ADM(North) on 26/11/2010. However, PIO/ADM(North) transferred the RTI application to SDM(Civil Lines) only on 13/12/2010 after 17 days instead of transferring within 05 days as per the Act. Consequently the information has been provided late to the Appellant.

Decision:

The Appeal is allowed.

The PIO is directed to facilitate an inspection of the relevant records by the Appellant on 01 July 2011 from 11.00AM onwards. The PIO will give attested photocopies of records which the Appellant wants free of cost upto 100 pages.

The issue before the Commission is of not transferring the RTI application by PIO/ADM (North) within five days as required by the RTI Act.

From the facts before the Commission it appears that the PIO/ADM(North) is guilty of not transferring the RTI application within the time specified under sub-section (3) of Section 6 of the RTI Act.

It appears that the PIO's actions attract the penal provisions of Section 20 (1). A showcause notice is being issued to him, and he is directed give his reasons to the Commission to show cause why penalty should not be levied on him.

PIO/ADM(North) will present himself before the Commission at the above address on **26 July 2011 at 10.30am** alongwith his written submissions showing cause why penalty should not be imposed on him as mandated under Section 20 (1).

This decision is announced in open chamber.

Notice of this decision be given free of cost to the parties.

Any information in compliance with this Order will be provided free of cost as per Section 7(6) of RTI Act.

Shailesh Gandhi
Information Commissioner
25 June 2011

(In any correspondence on this decision, mention the complete decision number.)