

CENTRAL INFORMATION COMMISSION  
Appeal No.CIC/WB/A/2006/00752  
**Right to Information Act 2005 – Section 19**

Appellant - Ms. Gita Dewan Verma  
Respondent - Delhi Urban Arts Commission

**Facts:**

In an application of 8.5.06 Ms. Gita Dewan Verma of Vasant Kunj, New Delhi sought the following information from CPIO, Delhi Urban Arts Commission :

- “1. All relevant facts (including statutory provisions, minutes of meetings etc.) relating to decision by which “in May 2005 a public meeting was called by the Delhi Urban Arts Commission inviting professionals from various disciplines to contribute their ideas on how to make Delhi a better city and to chart out the way forward”
2. Copy/copies of all types of invitations extended for the public meeting in May, 2005.
3. Full list of invitees, indicating for each professional discipline/ qualifications/ expertise.
4. Criteria by which DUAC decided not to invite other professionals in same or other disciplines.
5. Details of refusals, if any, of the DUAC invitation to public meeting in May 2005
6. List of attendees of public meeting in May 2005.
7. All relevant excerpts from Minutes of public meeting and other meetings relating to how “in the meeting twelve Task Forces were constituted” (and why the event handout indicated thirteen)
8. Terms of reference or equivalent for each of the 12/13 Task Forces constituted.
9. Membership list of each of the 12/13 Task Forces with professional qualifications of members.
10. Copies of letters of consent or equivalent of each member of each of the 12/13 Task Forces.
11. Details of refusals, if any to participate in the Task Forces.

12. Details of each of the 12/13 Task Forces of process of identifying and appointing /involving “one official from a relevant authority as member to ensure implementation of ideas generated”

13. Copies of relevant orders relating to appointing / involving official members in the Task Forces.

14. Details of refusals, if any, by officers to participate in the Task Forces.

15. Details including dates minutes etc. of each of the “Dozens of meetings (that) were held inside the DUAC and outside as brain storming session to give shape to the schemes as well as to share ideas amongst the Task Forces.”

16. Description of “work generated by these Task Forces” (of which “exhibition is the outcome”).

17. Enumeration of the “six areas of concern to involve the citizens of Delhi in a dialogue” that the exhibition was grouped into (since the penultimate panel identified five areas of concern) and excerpts from minutes of meeting etc. relating to identification of six / five areas of concern.

18. Particulars, including costs of DUAC facilitation (whereby “Task Forces worked purely on a voluntary basis though facilitated by the DUAC”) separately and generally in respect of the 12/13 Task Forces in general and in respect exhibition organizing (by TVB-SHS) and the organizing of the events including inauguration and “public discussions” at IHC.

19. Whether any exhibition panels were missing on 2.5.06 (list at annexure).

Requests for information relating to inauguration and Public Discussions and publicity

20. Texts of speeches made at the inauguration.

21. Particulars of panelists for each of the Public Discussions with details of changes, if any, from the advertised programme.

22. Copies of proceedings of inauguration and Public Discussions.

23. Copies of any printed material distributed free at the inauguration and Public Discussions.

24. Copies of all media releases and media invitations issued by the DUAC.

25. List of invitations extended by DUAC for Exhibition / Inauguration /Public Discussions.

26. Details, including of costs, of all activities relating to event publicity and promotion.”

To this she received a reply dated 14.6.06 addressing each of the questions raised. This reply, however, was received by her by hand on 16.6.06 by which time she had moved a first appeal on 16.6.06 stating that she had not received a response, that she had paid an additional fee sought by letter of 31.5.06 of Rs. 806/- on 5.6.06 and that this fee be returned under sec. 7(6). However, on receiving the information as mentioned above, on 16.6.06, appellant moved a fresh application to the Secretary/Appellate Authority Delhi Urban Arts Commission on 27.6.06 seeking the following clarifications/confirmation:-

“1. That no specific statutory provision including of its own Act (Annexure 1) is mentioned in DUAC records in relation to the decision to hold public meeting / workshop in May 2005 and setting up Task Forces thereby and that the idea was not considered in any administrative / commission meeting prior to the 1088<sup>th</sup> Meeting dated 5.4.05 (extract of Annexure 2).

2-3. That no standard type(s) of invitation were issued and that information about professional disciplines /qualifications / expertise of invitees (Annexure3) is not in DUAC records.

4. That no criteria other than names as suggested by the Chairman, Members and the Advisors of the Commission (Para 2-3) and decision by the Commission at its meeting on 28.4.05 (extract at Annexure 3\A) was the basis of excluding professionals (including those who had previously written to the Commission on related issues, such as myself).

6. That the public meeting was interactive Workshop on Role of DUAC and that no list of participants other than raw registration list (Annexure 4) exists in DUAC records.

7-8. That no proceedings of the public meeting /Workshop on 12.5.05 exist in DUAC records (or, if they do, they do not include discussion on Task Forces) and that no Terms of Reference of each of the 11 /12/13 Task Forces exists in DUAC record or with

any other public authority (as defined for RTI purposes) to the knowledge of DUAC.

9-11 That information of professional qualifications of all members of all Task Forces (Annexure 6) is not available in the record of the DUAC and that the only letters of intent / consent furnished by individuals (other than DDA, MCD, NDMC & DMRC nominees) are at Annexure 7. Kindly also indicate the date on which the letters at Annexure 7 were furnished by Task Force members and in case these were furnished at the public meeting / workshop dated 12.5.05 also if others had furnished similar letters.

12-14. That no letters to or from public authorities other than the ones at Annexure 8 are available in DUAC records that authorities other than DDA, MCD, NDMC and DMRC were considered irrelevant by the Commission / its Chairman, Members and Advisors.

15. The DUAC was kept informed of the regular meetings of the 11/12/ 13 Task Forces, but the information is not on its record.

16. That the exhibition panels are both the “work generated by these Task Forces” and its “outcome” ( annexure 9) and that there is no information on the record of the DUAC that distinguishes the work / outcome of each of the 11 /12 /13 Task Forces. Kindly also confirm wrt the mention in Annexure 10 of producing the information in electronic format that what has been furnished in Annexure 9 is not held by the DUAC or any one else in electronic format.

17. That the six / five “areas of concern’ mentioned on the exhibition panels are the same as the 7 broad heads enumerated in the extract of the minutes of the Commission’s 1113<sup>th</sup> meeting on 20.2.06 (Annexure 10).

18. That no “Particulars, including costs of DUAC facilitation in respect of the 12 / 13 Task Forces in general and in respect exhibition organizing (by TVB – SHS) and the organizing of the events at IHC” other than that provided at Annexure-11 viz. extract of the Commission’s 1114<sup>th</sup> meeting on 21.2.06 mentioning Prof. K.T.Ravindran’s estimate of 20 lakhs for the exhibition (Annexure 11) are available on the record of the DUAC.

19. That the list of panels (same as the contents in Annexure 9) provided in the fax dated 17.5.06 from AGK Menon (Annexure 12) pertains to the display on 2.5.06.

20. That the contents of the CD at Annexure 13 are not duplicated in any of the CDs at Annexure 15 and that none of the speakers provided DUAC with copies of their speeches (Please note I have not checked any of the CDs as yet).

21. That no particulars of panelists or details of changes other than mentioned in the copy of pamphlet / changes added by hand thereon (Annexure 14) are held by DUAC.

22. That no proceedings / report of the inauguration and public discussions at IHC were prepared or are being / proposed to be prepared for the record of DUAC from the CDs at Annexure 15.

23-24. That no material other than a 5 page note (Annexure 16) was distributed free of any one in the course of the inauguration and Public Discussions at the IHC and that no media releases or media invitations were issued. Kindly confirm especially that the brochure at Annexure 9 was distributed exclusively as a priced publication and no copy of it was given to any one free of cost.

25. That no invitations were issued for the exhibition /public discussions and the list of invitees for the inauguration ( Annexure 17) was prepared not by but in consultation with, the Commission. Kindly indicate who the list was prepared by and if prepared on behalf of the DUAC, also basis for the same.

26. That no expense other Rs. 74,892/- paid to DAVP was incurred on event publicity and promotion and that the payment to DAVP was made without any accompanying media releases (as per reply in Para 23-24)

I also request confirmation of the replies to my queries nos. 5, 11 & 14 concerning refusals. Kindly also confirm, with reference to my assertion at the outset in my application apropos section 4 that no information about the event at IHC has been subsequently published /disseminated by the DUAC.

To this appeal and its consequent follow up she received two responses – (1) from Shri Dina Nath, Secretary informing her that a reply had been sent to her on 14.6.06 which was within the 35 days permissible after allowing for the period between request for further fee and its payment, and (2) a further letter from Ms. Madhu Mehta, Appellate Authority dated 12.7.06 stating that the original appeal of 16.6.06 had been replied to and, therefore, the appeal dated 27.6.06 could not

be termed as a first appeal. On this basis appellant Ms. Gita Dewan Verma has moved a second appeal before us with the following prayer:

- i. Whether the Appellate owes DUAC the Rs. 64/- claimed in the CPIO's letter dated 14 Jun,06 received on 23.06.06 (Annexure 6)
- ii. Whether the Appellant was entitled to refund of charges in light of section 7(6) i.e. whether order dated 20.6.06( Annexure 8) wrongly held the First Appeal (Annexure-4) to be invalid.
- iii. Whether the Appellant is entitled to clarification / confirmation on CPIO's reply i.e. whether order dated 12.7.06 (Annexure 9) has wrongly held request dated 27.6.06 (Annexure 7) read with the Appellant's noting while receiving the information on 16.6.06 (Para 5 herein) to be invalid and to be second appeal.
- iv. Whether the present case indicates denial by obfuscating /compelling blind purchase of information. The Appellant submits she is persuaded if does indicate so and as such also requests appropriate directions to DUAC including to:
  - a) Provide the requested clarifications / confirmations and
  - b) Refund as damages the amounts charged for information on which First Appellate Authorities refused clarifications / confirmations.

In response to our Appeal Notice and after having asked for a further time of fifteen days for submitting their comments, CPIO and first AA have submitted identical comments dated 12.4.07. To this Ms. Verma has submitted a rejoinder dated 30.5.07 which has been taken on record.

The appeal was heard on 4.6.07. The following are present:

1. Ms. Gita Dewan Verma, appellant
2. Mr. Amit Mukherjee, CPIO
3. Ms. Madhu R. Mehta, FAA
4. Mr. V.K.Tyagi, APIO
5. Mr. Rajiv Arora, Asstt.

Shri Amit Mukherjee, CPIO and Admn. Officer argued that in the appeal of 27.6.06, appellant had raised some fresh issues not raised in the original application. Hence this was not treated as a first appeal. Appellant Ms. Gita Dewan Verma, however, has clarified that these are issues concerning the information which she has received from CPIO which in her view was contradictory to information disclosed in the DVAC organized event titled "Imaging Delhi" and included exhibition, inauguration and public discussions.

Shri V.K. Tyagi, APIO has further argued the time limit in this case for supply of information was 35 days in light of proviso to sec. 5(2) where under for an application for information given to a CAPIO, at least five days should be added in computing the period for response specified under sec. 7(1). Taken together with the days between seeking additional fee and their payment, the information was in fact provided within the time limit specified. This point was strongly contested by appellant Ms. Gita Dewan Verma who has stated that this proviso will only apply when CAPIO are appointed u/s 5(2) at a Sub Divisional level or other Sub District level.

CAPIO Shri Tyagi has also argued that the postal expenses of Rs.50/- were payable by appellant as these were costs of sending the information and had to be borne by the applicant because the information sought was bulky.

### **DECISION NOTICE**

The contention that an applicant cannot seek clarifications for information provided by the CPIO under the Act is absurd. However, if further information is sought under the guise of clarifications, which is not sought in the original application, an Appellate Authority has the authority to reject such a request and advise a fresh application by an appellant. In this case no such argument has been taken., Appellate Authority Ms. Madhu R. Mehta is, therefore, directed to take cognizance of the first appeal and provide such clarifications as arise from the answers given to the information sought in the original information that was

provided and if this does not correspond with conclusions drawn by appellant Ms Verma, PIO may advise appellant accordingly.

On the question of additional days u/s 5(2), the law in this matter is clear . The appellant has raised the issue that a CPIO is obliged to furnish information within 30 days from the date of receipt of an application under the RTI Act. The appellant has further submitted that proviso to Section 5(2) of the RTI Act which provides for an additional 5 days period while computing the period for response **will be applicable only when a public authority designates and appoints an Assistant PIO at the Sub-Divisional level or other Sub-District levels.** In the instant case, where both the PIO and the APIO are in the same office or in the same city, the additional 5 days period as aforesaid cannot be added while computing the period of response under Section 7(1).

In the instant case, the public authority, i.e. Delhi Urban Art Commission has its headquarters at Delhi and they do not have offices either at the Sub-Divisional level or other Sub-District level. Neither sub-section 2 nor the proviso debars a public authority from appointing a CAPIO, even if they do not have offices at the Sub-Divisional level or Sub-District level. The public authority may and probably should appoint as many executives as CPIO/CAPIO as might be required for smooth functioning of the RTI regime and for facilitating furnishing of information to the citizens. The Commission, therefore, is of the view that whenever an application is submitted to a CAPIO, 5 additional days will be added while computing the period specified under Section 7(1).

However, appellant Ms. Verma has argued that the amount of fee of Rs. 806/- paid by her for the information sought should be refunded to her as damages because in the absence of clarifications provided, the information given is of no use. This issue can only be determined after the disposal of her appeal seeking clarifications as directed above, as by appellant's own admission , she has not perused the CDs till the time of issue of her rejoinder referred to above.. If Ms. Verma is still of the view after obtaining these clarifications, that the

information provided was not the information that she has sought, she is free to apply to us afresh u/s 19(8)(b) in the form of a complaint.

On the question of postage charges, it is clear that the additional charges are sought to be levied without the consent of appellant Ms. Verma, as mandated u/s 7(3). Normal postal charges are not a charge on applicant under the RTI Act. If postal charges were excessive because of the bulk of the information, appellant should have been informed so that she could have had the choice of seeking postal delivery or collected the information herself. Since this has not been done, Rs. 50/- charged for delivery of the information is required to be refunded. This may be done within one week from the date of issue of this Decision Notice.

Announced on 12.6.'07. Notice of this decision be given free of cost to the parties.

(Wajahat Habibullah)  
Chief Information Commissioner  
12.6.2007

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

(PK Shreyaskar)  
Asst. Registrar  
12.6.2007