Central Information Commission

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No.CIC/OK/C/2007/00006
Dated: 25 January 2008

Name of the Appellant: Shri Anil Kumar,
New Delhi.

Name of the Public Authority: Delhi Development Authority

Background:

Shri Anil Kumar of New Delhi had filed an RTI-application with the Public Information Officer, Delhi Development Authority, on 14 November 2006, seeking information regarding the purpose for which the land at Nangal Dewat and Nangal Dairy had been acquired by the Delhi Development Authority and whether it was acquired for particular Institutions which had been set up there. As also wanted complete details of the acquisition of land and its use. Subsequently, the Appellant wanted inspection of the file regarding the acquisition of land and also information on the rehabilitation of the persons who had been forced to move from Nangal Diary and Nangal Dewat.

2. Not getting any information from the PIO within the stipulated period of 30 days, the Complainant approached the Central Information Commission on 8 January 2007.

3. The bench of Dr. O.P. Kejariwal, Information Commissioner, heard the matter on 16 January 2008.

4. Shri Aparna Raghuram, Sr. R.O, Lt. Col. N.S. Verma, Consultant, Shri O.P. Ahrawat, Dy. Director & PIO, Shri P.S. Uttarwar, Director (Plag) & PIO, Shri Partha Dhar, Dir (AP-1) & PIO, Shri N.S. Bhati, SRO, Shri Sanjeev Kumar, D.D (LA) and Shri M.R.M. Rao, Director (LM) & Appellate Authority, represented the Respondents.

5. The Complainant, Shri Anil Atwal, was present alongwith Ms. Gita Dewan Verma.
Decision:

6. Today’s hearing was the third hearing in the present case. At the hearing, the Commission recalled its discussion in the earlier one and read out what it had noted on its file:

“This was discussed with the Appellant, Shri Anil Atwal and his representative, Ms. Gita Dewan Verma today. It was reported by them that although there were verbal instructions from the Commission that the Respondent then present (Shri Rajesh Goyal, Dy. Directo (LM)) should identify the proper PIO and send the case to him, he does not seem to have taken any action so far, that is, after 5th July, when the hearing was held till now. As such, it becomes a matter of non-compliance, although verbal orders were issued in good faith.

As such, we decide to hold another hearing with Shri Goyal being present.”

7. The Commission, therefore, was indeed surprised to find Shri Goyal was absent from the hearing. Although according to the Respondents present he had gone back to his original Cadre, the Commission feels that was no reason for his being absent from the hearing as the Orders had been passed by the Commission by name. The Commission, therefore, decided to issue a Show Cause Notice to him to explain why a penalty of Rs.25,000/- not be levied upon him under section 20(1) of the RTI Act for "obstructing the furnishing of information". As for the contents of the case, the Commission was indeed disturbed to note that there were as many as nine officials present from different Sections/Departments of the DDA and yet it was difficult to assess as to who was the proper custodian of the information in the present case. The Commission requested the representative of the Appellant to provide a brief of the case which she did. According to this, the case is as follows:

In 1973, the Delhi Administration had acquired the land at Nangal Dewat and Nangal Diary for the scheme of Airport expansion to be passed on to the Airport Authority of India. Since the scheme would evolve evacuation of persons and families from this land, the Delhi Administration acquired about 712 Bighas of land at Malakpur Kohi. Since 1973, no action had been taken under the Airport expansion scheme on that site, the Government allotted this land to different government Institutions. Subsequently in 2006, finally the Airport scheme was approved. But no action seems to have taken on proper rehabilitation of the persons who had been forced to leave. Under the circumstances, the Appellant wanted information on the purpose for which the land at Nangal Dewat and Nangal Diary had been acquired and
whether it was acquired for those particular Institutions which had been set up there, that is to say, that the Appellant wanted complete details of the acquisition of land and its use. The Appellant also wanted inspection of the file regarding the acquisition of land and also information on the rehabilitation of the persons who had been forced to move and finally she stated that on the land acquired at Malakpur Kohi there had been display boards put up, stating that this land had been acquired for the purpose of rehabilitation of persons who had to leave from Nangal Dewat and Nangal Diary. She, therefore, wanted to know how and by whom these boards had been put up.

8. To the Commission, the information asked for is specific and direct and there seems to be little question about it being readily available. However, after discussions at the hearing, it seems that one is at loss to understand as to who are the persons, which are Sections, which are the officials and which are the authorities, who have this information. It was in view of these complications that the Commission had earlier directed one PIO to collect information from different Departments and provide it to the Appellant. Sadly, nothing had happened so far.

9. The Commission was indeed surprised that even after 30 years that the scheme has been alive, the officials seem to be in the dark about who are the officials concerns and where all that the files would be. At the hearing, the consensus emerged that the relevant records may be with the Airport Authority of India who are as of now the present owners of the land. The Commission, therefore, advises the Appellant to file an RTI-application with the Airport Authority of India also.

10. During the hearing, it was also stated by both the parties that the DDA had called for a meeting on the 18th with the Appellants being present to discuss matters relating to acquisition of land and their utilization. It was agreed by both the parties that although this particular case was not on the agenda for the meeting to be held day after tomorrow (18 January 2008), they will have it included and that the issue would be discussed in detail. The Commission accordingly directs the authorities to discuss this issue and to point out the relevant records that may be available in DDA in addition to the Airport Authority of India and accordingly disclose whatever information the DDA has within a reasonable period of time after collecting and collating the information. In any case, this should be done by 28 February 2008.
11. The Commission directs the Respondents to provide to it a copy of the minutes of the meeting of the 18 January 2008.

12. The Commission ordered accordingly.

Sd/-
(O.P. Kejariwal)
Information Commissioner

Authenticated true copy:

Sd/-
(G. Subramanian)
Assistant Registrar

Cc:
1. Shri Anil Kumar, New Tata Nagar (Ex), C/o 1356, D-1, Vasant Kunj, New Delhi-110070
2. Shri M.R.M. Rao, Director (LM) & Appellate Authority, Delhi Development Authority, Vikas Sadan, INA, New Delhi-110023
3. Shri V.M. Bansal, Pr. Commissioner-cum-Secretary, B-415, 4th Floor, Vikas Sadan, INA, New Delhi-110023
4. Shri Rajesh Goel, DD(LM)/SWZ & PIO, Delhi Development Authority, C-1/5, Gr. Floor, Vikas Sadan, INA, New Delhi-110023
5. Shri O.P. Ahrawat, Dy. Director & PIO, Delhi Development Authority, Vikas Sadan, INA, New Delhi-110023
6. Shri P.S. Uttarwar, Director (Plag) & PIO, Delhi Development Authority, Vikas Sadan, INA, New Delhi-110023
7. Shri Pratha Dhar, Dir (AP-1) & PIO, Delhi Development Authority, Vikas Sadan, INA, New Delhi-110023
8. Shri N.S. Bhati, SRO, Delhi Development Authority, Vikas Sadan, INA, New Delhi-110023
9. Shri Sanjeev Kumar, DD (LA), Delhi Development Authority, Vikas Sadan, INA, New Delhi-110023
10. Officer Incharge, NIC
11. Press E Group, CIC