

CENTRAL INFORMATION COMMISSION
Appeal No.CIC/WB/A/2007/01321 dated 29.10.2007
Right to Information Act 2005 – Section 19

Appellant - Ms. Gita Dewan Verma
Respondent - Prime Minister's Office (PMO)

Facts:

By an application of 8.3.07 Ms. Gita Dewan Verma of Vasant Kunj, New Delhi applied to the CPIO, Prime Minister's Office, seeking the following information:

“Kindly provide copy of the minutes of the meeting referred to and, in terms of S.4 (1) (c) of RTI Act, the following relevant facts of the decision announced:

1. the definitions of the terms “stakeholders” and “participation”
2. The procedure by which the Committee “would have participation of all stakeholders” and how that procedure relates to the statutory process for Zonal development plan for River Yamuna Area (including particulars of any amendments proposed in the provisions of Delhi Development Act 1957 to allow participation/ co-chairpersonship of Delhi CM).
3. the purposes for which the Committee will commission studies and whether these will include evaluation/ impact assessment studies of the studies already commissioned/ tendered and projects already initiated/ under process including at instance of CMO and/ or LG office and the proposals contained in City Development Plan approved by GNCTD on 06/12/06 and the MPD-2021 notified by the MOUD on 7.2.07.
4. Modifications, if any, as a result of constitution of this Committee in the TOR of each of the existing/ recent committees, task forces, expert groups, etc constituted for purposes related to Yamuna area conservation and/ or development. (Please specify for each separately).”

To this she received a response from CPIO Shri Kamal Dayani Director, PMO dated 5.9.'07 as below:

“Enclosed a copy of an OM No. 731/2/1/2007-Cab-III dated 24th August, 2007 constituting the Yamuna River Development Authority

under the Chairmanship of Lt. Governor, Delhi which covers all the queries raised in your application.”

Not satisfied with this response Ms. Verma moved a first appeal before Ms. Vini Mahajan, Jt. Secretary, PMO on 14.9.07 on the following grounds:

“I submit that OM dated 24.8.07 (2-pages) appears not to cover any of my specific queries dated 8.8.07 concerning the decision announced vide official press release dated 6.8.07.

I request that PIO may kindly be requested to give me point-wise response from the records containing reasons and material basis of decision dated 6.8.07. In case custody of records has been transferred pursuant to OM dated 24.8.07, PIO may kindly be requested to immediately transfer u/s 6 (3).”

Upon this Ms Verma received an order from Shri Javed Usmani, Jt. Secretary to Prime Minister dated 17/19 Oct, 2007 as below:

“After due consideration of the matter in terms of the relevant provisions of the Act, it is observed as follows:

- (a) You had sought certain information vide your application dated 8.8.2007 regarding the meeting chaired by the Prime Minister to discuss issues relating to conservation and development of the Yamuna River, in which it was decided to set up a High Powered Committee.
- (b) After perusal of records relating to the aforesaid meeting in the PMO, the CPIO, PMO informed you vide his letter dated 5.9.2007 about the constitution of the Yamuna River Development Authority/ High Powered Committee under the Lt. Governor of Delhi, enclosing a copy of the relevant OM dated 24.8.2007.
- (c) The said OM dated 24.8.2007 outlines the terms of reference of the Committee chaired by Lt. Governor, Delhi which hare self-explanatory.
- (d) No other information relating to the issues raised in your application dated 8.8.2007 were available in the PMO.

Accordingly, the undersigned is of the view that the Central Public information Officer of the PMO has followed the prescribed

statutory provisions and has appropriately dealt with your application dated 8.8.2007.”

Subsequently Ms. Verma wrote to the other official members of the High Powered Committee of Yamuna River Development seeking their advice but received no response. She has then moved her second appeal before us with the following prayer:

- “(a) Direct PIO to give point-wise reply i.e. either give (or transfer) or refuse the minutes/ record of meeting dated 6.8.07 and for each item requested under S. 4 (1) (c) either give (or transfer) or say it is not ‘relevant fact’**
- (b) Direct PIO and FAA to clarify the reference in reply and first appeal order to an authority and**
- (c) Decide this appeal expeditiously.”**

In response to our appeal notice, we have received a letter from CPIO Shri Amit Agarwal Director, Prime Minister’s Office dated 15.1.’09 submitting as follows:

- “(i) With regard to mention of the word “Authority”, it is submitted that the OM mentions the word “Authority” only in the subject heading. This is in line with usual practice of citing the file subject heading on communications issued from a file to facilitate locating of relevant file and this subject heading does not serve as a description of the contents of the communication.
- (ii) As regards the minutes of the meeting, it is clarified that no minutes of the meeting were issued and only a PMO UO note no. 500/31/C/24/07-ES.2 dated 22.8.2007 was issued, the contents of which hare essentially the same as that of the OM already supplied to the appellant. A copy of the aforementioned PMO UO note is enclosed. The PMO UO note was not furnished earlier as there was no new information contained in it beyond that contained in the OM provided and the OM embodied the final outcome.
- (iii) No specific record is available in this office with regard to the specific queries posed in the application.

In light of above, it is submitted that all relevant information has already been furnished to the appellant. The position submitted above may serve to remove any doubt regarding the relevance/

completeness of disclosure of information sought as per available record. Therefore, the Commission may be pleased to reject the appeal.”

The appeal was heard on 16.1.09. The following are present:

Appellant

Ms. Gita Dewan Verma

Respondents

Shri Amit Agarwal, Director

Shri Kshitish Kumar, Section Officer.

Ms. Verma confirmed having received a copy of the letter of 15.1.09 from CPIO, PMO Shri Amit Agarwal. However, she submitted that there appears to be a contradiction between the press release issued immediately after the meeting and the UO note issued on 22.8.07 in that whereas the press release refers to the setting up a High Powered Committee on Yamuna River Development with Lt. Governor and Chief Minister of Delhi as Co-Chairpersons, the UO note speaks of “Constitution of Yamuna River Development Authority, but speaks in the decision taken of “A High Powered Committee for Yamuna River Development” that will be constituted, chaired by the LG, Delhi with the Chief Minister of Delhi as Vice-chair.

This has been followed by an OM issued by the Cabinet Secretariat on 24.8.07 actually setting up the Committee, but the setting up of this Committee is not mentioned on the website either of the PMO or the Cabinet Sectt, which was mandatory u/s 4(1)(b) sub sec. (viii) and u/sec. 4(c).

Respondent Shri Amit Agarwal admitted that there was a contradiction in wording between the press release and the UO. These were issued by different Sections of the Prime Minister’s Office, the first immediately after the meeting and the second after obtaining formal approvals for issue.

DECISION NOTICE

The plea of appellant Ms. Gita Dewan Verma before us is a pointwise reply to her question which now stands provided in the letter of 15.1.'09, by the response of PMO to our appeal notice quoted above. However, since her initial request is related to disclosure u/s 4(1) (c), we find that this specific issue remains unaddressed. There is no doubt that the constitution of this Committee together with the reasons for setting it up fall squarely within the mandate of sec. 4(1)(b) & 4(1)(c). However, the OM establishing the Committee is that of the Cabinet Secretariat. This OM should indeed, therefore, have been uploaded on the website of the Cabinet Secretariat. Since this is not a Committee of the PMO, this was not incumbent upon that public authority i.e. PMO. Its uploading u/s 4(1)(c), however, would be within the province of the Delhi Government since it is chaired by the Lt. Governor Delhi and the Chief Minister is Vice Chairman and constitutes, therefore, an important policy which affects the public of Delhi.

Besides the above the admission of a contradiction between the UO note and the press release discloses the weakness in coordination in release of information at the level of the PMO. This is, no doubt, a minor lacuna but being at the level at which it has occurred is unacceptable.

In light of the above, we, therefore, hereby take the following decisions:

1. Cabinet Secretariat is advised to upload its OM of 24.8.2007 on the constitution of a High Powered Committee for Yamuna River Development onto its website within ten working days from the date of issue of this Decision Notice.
2. The Office of Lt. Governor, Delhi is advised to upload on GNCT Delhi's website the contents of PMO's UO dated 22.8.07 giving reasons for the constituting up of the Committee and mentioning that it constitutes part of a policy of Delhi Government.

3. The Media Advisor, PMO is advised under the authority vested in this Commission by Sec 25 sub-section (5), to ensure better coordination in press release, the instrument of sharing information with the public, with the decision making Sections of the Prime Minister's Office to ensure authenticity of release.

With the above observations, this appeal is now disposed of. Announced in the hearing.

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

(Wajahat Habibullah)
Chief Information Commissioner
16.1.2009

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.

(Pankaj Shreyaskar)
Joint Registrar
16.1.2009