

CENTRAL INFORMATION COMMISSION
Complaint No.CIC/WB/C/2006/00078 dated 12.5.2006
Right to Information Act 2005 – Section 18

Complainant: Ms. Gita Dewan Verma

Respondents: Ministry of Urban Development.

FACTS:

Ms. Gita Dewan Verma of Vasant Kunj, New Delhi applied on 28.12.2005 to Shri M.Rajamani, Joint Secretary, Ministry of Urban Development and PIO, requesting information on publication under Section 4(1) (c) and providing to her under Section 4(1) (d) of the RTI Act 2005, details of the schemes for Yamuna revival on River Thames pattern, relocating slums to flats in Tehkhand pilot-project, together with consequent observations and questions. Her complaint is that she has received no reply in the stipulated 30 days and the matter was pending in first appeal dated 29.4.2006. Even though she had applied to Shri P.K. Pradhan, Joint Secretary (D&L), Ministry of Urban Development & Appellate Authority on 6.4.2006 on the disposal of her response to Public Notice dated 31.8.2005 for land use change at Tehkhand, with reference to which her application of 28.12.2005 had also been made, she learnt of a notification of 23.2.2006, of which she was able to secure a copy only on 20.4.2006. She, therefore, has prayed for rectification of what she describes as the willful non-transparency in MoUD with “persistent and patently malafide denial of information”.

Ministry of Urban Development has, vide its letter dated 22.6.2006, responded to our complaint notice of 7.6.2006, indicating the position with regard to the issues raised by the complainant as follows:

- “(i) The application dt. 28.12.2005 was not accompanied by the prescribed application fee under the RTI Act. Therefore, it was not required to be considered as an application under RTI Act. However, the request was examined and a reply was sent on

10.5.2006 informing that in the affidavit filed before Supreme Court, there was a reference made to cleaning up of the quality of water of river Thames in London. However, detailed scheme in this regard could be obtained from the Delhi Jal Board. The applicant was also informed about in principle approval of the Government for construction of the tenements of EWS categories for rehabilitation of slum dwellers at Tehkhand. (A copy of the reply dt. 10.5.2006 was attached.)

- (ii) However, it is submitted that paras 4, 5 & 6 of Appellant's email dated 28.12.2005 are in the nature of statements and expression of opinion and were not treated as requests for information by this Division."

However, the Ministry has proceeded also to clarify facts with regard to the points at para 4, 5 and 6 in their response. The complainant, Ms.Gita Dewan Verma has, in her rejoinder, found the response of the Ministry of Urban Development evasive, incomplete and misleading, confirming her grievance of willful non-transparency.

We have examined the file. We find that consequent on a writ petition filed by the complainant on 25.4.2006, in the case of Rajinder Singh Vs. Union of India & Others, we have in Complaint No. CIC/WB/C/2006/00174 - Rajinder Singh Vs. DDA ruled on issues similar to the issues raised in the present complaint. However, in this application to the PIO paras 4, 5, and 6, which MoUD has described as being 'in the nature of statements and expression of opinion' read as follows:

- "4. The affidavit in question was filed after Public Notice for MPD-2021 was issued (08 April 2005) and before hearings of responses started (03 October 2005). The riverfront scheme and Tehkhand pilot-project undertaken in it are not part of draft MPD-2021. For the pilot-project additional Public Notice inviting objections/suggestions on proposal for land use change (from Tughlakabad District Park) was issued on 31.08.05, and made irrelevant within the week by the affidavit. For the Yamuna, the chapter on environment in draft MPD-2021 has an annexure containing recommendations made in 2004 by the committee appointed under Secretary MoUD, Mr. Baijal, by the Supreme

Court, but these do not convey the riverfront scheme suggested by reports of his subsequent affidavit.

5. Since the filing of the affidavit of September 2005, East Delhi MP Mr. Sandip Dikshit has made a presentation to Delhi Cabinet of a 30000 cr riverfront scheme and Delhi Chief Secretary has asked authorities to prepare an action plan. The policy of flatted slum housing has been called for by Delhi Chief Minister Ms Sheila Dikshit, Delhi Urban Development Minister Mr. AK Walia and New Delhi MP Mr. Ajay Maken and the writ petition fielded in Delhi High Court for the Tehkhand pilot-project has also been disposed of and for compliance of order of 03.03.03 for removal of unauthorized structures from the riverbed, a committee has been appointed by a Division Bench of the High Court. It has also been reported that now Mr. Anil Baijal (in personal capacity) and Ms Sunita Narain (director of the NGO Centre for Science and Environment, who chaired the expert sub-group on environment for MPD-2021) will be on a committee for the Supreme Court matter.
6. Evidently, schemes preferred in affidavit filed in September 2005 are being pursued making draft MPD-2021 proposals and objections / suggestions filed in response to Public Notice of 08.04.05 in respect of these matters irrelevant. As relevant fact relating to de-factor decision of MoUD to allow this redundancy, the schemes being pursued warrant publication under s.4(1)(c) of RTI Act, 2005.”

DECISION NOTICE

In this case, however, no fee has been paid for the application nor has the complainant, Ms. Gita Dewan Verma challenged this decision in her rejoinder. We cannot, therefore, hold the CPIO of the Ministry of Urban Development in violation of Section 7 of the RTI Act. Moreover, it is not clear what information has been sought by the complainant in paras 4, 5 and 6 of her original application to the CPIO, Shri M. Rajamani, detailed above. We agree with the arguments of the public authority that these are in the nature of statements and expressions of opinion and have, therefore, not been treated as request for information. For these reasons the complaint cannot be sustained.

However, having accepted the arguments of the public authority as above, we are constrained to observe that as pointed out by the complainant, the Ministry of Urban Development is not in full compliance with Section 4(1) of the RTI Act, specifically with regard to Section 4(1) (c) and Section 4(1) (d). She has, in Annexure-A to her rejoinder also pointed out the gaps in information u/s 4(1) (b) on the MoUD's website. A copy of this rejoinder is appended with this decision. The Ministry of Urban Development would be well-advised to examine the suggestions made and adopt them in a manner facilitating public access to information and the RTI Act as mandated by Section 4 of the Act.

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

(Wajahat Habibullah)
Chief Information Commissioner
28.9.2006

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

(L.C. Singhi)
Addl. Registrar
28.9.2006