

## CENTRAL INFORMATION COMMISSION

Appeal No: CIC/WB/C/2006/00182

Dated: 07/05/06

Right to Information Act – Section 19

Name of Appellant : Smt Gita Dewan Verma

Name of Public Authority : Urban Development Department, Delhi

### **Facts:**

Appellant Ms Gita Dewan Verma of Vasant Kunj, New Delhi made an application by both e-mail and in writing to Joint Secretary (Planning) and PIO Urban Development Department New Delhi on 30/1/06, seeking information on matters concerning a “Pushta Clearance Plan” stated by her to have been announced by Delhi’s Minister for Urban Development. She also requested bringing this information u/s 4(1) of the Act. In response she received a letter dated 7/4/06 from Deputy Secretary UD stating that the relocation and upgradation policy is under consideration of the Government of India and information would be provided as soon as the proposal was approved. Before receiving this, however, an appeal was filed with JS (UD) on April 4, 2006, because applicant Gita Dewan Verma had learned that MCD had initiated Pushta clearance in violation of schemes regarding which she had sought information. A second appeal has been filed with this Commission on 7/5/06 on the grounds that she had received no response from the Appellate Authority within the stipulated time with the plea that penalties be imposed and she be awarded damages of Rs 50/- as reimbursement to processing fees. In the meantime the appellate authority OP Kelkar Principal Secretary UD after giving Ms Dewan a personal hearing on 19/5/06 issued orders disposing of the appeal on 7/6/06, holding that information provided ‘serves the purpose’.

Appellant, Ms Gita Dewan Verma is present, together with SPIO, UD, S/Shri SK Saxena, Manoj Agarwal DS (UD) and VP Munshi, also from UD. SPIO indicated that although he was PIO information was sought from DS under Sec 5(4) and provided by him. Deemed CPIO Shri Munshi averred that the matter being under consideration of Gol as indicated to the appellant information available was given. The Department had no response to the appellant's citing of the Tehkhand case as a pilot project for housing.

### **Decision Notice**

We have examined the file. The questions put by the appellant in her original application are simple and straightforward. For example during the hearing the DS (UD) stated that the Department had no record of any statement by Minister Walia on Pushta Clearance, nor the details of any such Plan. If that were the case, we are unable to understand why this information could not have been provided to the appellant. Similarly it would appear easy to provide details of environmentalists advising the Ministry on Plan priorities, if any, and if such information were provided in confidence, to so state in response to the request. We are therefore compelled to agree with the appellant that the information provided is evasive and incomplete. SPIO Saxena regretted the obfuscation of the reply given and invited appellant Verma to visit his office and obtain all such information as is necessary.

The appeal is accepted and impugned order set aside. The information sought may now be provided, and since the time limits prescribed u/s 7(1) have been transgressed, information will be provided free of charge in light of Sec 7(6). She is also entitled to reimbursement of Rs 50/- as damages suffered by her u/s 19 (8) (b). Because response by the PIO was due to the appellant on her original application on 2/3/06 and has in fact been provided incomplete only on 7/4/06, deemed SPIO Manoj Aggarwal will show cause within fifteen days why action should not be taken against him u/s 20 (1) with imposition of penalty of Rs 250/- per day commencing on March 3, 2006, till such date as information is

provided, subject to a maximum of Rs 25,000/- For this purpose, he may appear before us on Monday, 17/7/'06 at 10.30 am

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

Padma Balasubramaniam  
(Information Commissioner)

(Wajahat Habibullah)  
Chief Information Commissioner  
29/6/'06

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:

(PS Shreyaskar)  
29/6/'06