

Central Information Commission

Mr.Rakesh Agrawal vs Government Of Nct Of Delhi on 13 September, 2011

In the Central Information Commission
at
New Delhi

File No: CIC/A
CIC/AD

Date of Hearing : September 13, 2011

Date of Decision : September 13, 2011

Parties:

Applicant

Shri Rakesh Agarwal
C/o Nyayabhoomi
B-9, Vikram Nagar
Feroze Shah Kotla
New Delhi 110 002

The Applicant was present during the hearing.

Respondents

Pollution Control Officer-Secretariat
Transport Department
5/9 Underhill Road
Delhi 110 054

Represented by : None

Information Commissioner : Mrs. Annapurna Dixit

In the Central Information Commission
at
New Delhi

ORDER

CIC/AD/A/2011/001753 Background

1. The Applicant filed an RTI Application dt.4.4.11 with the PIO, Transport Department seeking information against fifteen points in respect of notification dt.17.3.11 about installment of GPS devices in autorickshaws and other matters including a copy of only that portion of the relevant document which details the mechanism of use of the panic button by a passenger;; communication of emergency to the Central Command Centre and the name of and the details of the action on the part of the agency that will take action as a consequence; detailed specifications of GPS/GPRS and other related/attached equipment such as display unit, printer, paper roll etc; a sample of the GPS/GPRS device together with all related/attached equipment such as printer, paper roll etc; detailed break^uup under various heads of all charges/fees/expenses etc. payable or paid to DIMTS on one^utime or consultancy basis for the said scheme; detailed break^uup under various heads of all charges/fees/expenses etc. payable or paid to DIMTS on a regular basis.

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Shri Ajay Mamoria, SPIO vide his letter dt.6.4.11 transferred the RTI Application to PIO, DIMTS. The Applicant filed an appeal dt.16.5.11 with the Appellate Authority stating that the PIO has invoked section 6(3) of the RTI Act without realizing that the matter of applicability of RTI Act on DIMTS is

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judice and is before the Delhi High Court. Therefore, instead of transferring the application, the PIO ought to have obtained information from DIMTS and supplied to him. He added that there are several queries which directly pertain to the Department and remain unanswered. The MLO (ARU) replied on 21.5.11 furnishing information against points 14 and 15. Shri R.P.Meena, Appellate Authority replied on 17.6.11 stating that the Appellant has not received the r e p l y o f M L O a n d confirming that a copy of the reply was handed over during the hearing held by him. Being aggrieved with the reply, the Applicant filed a second appeal dt.20.7.11 before CIC reiterating his request for information against points 5, 10, 12, 14 and 15.

Decision

2. During the hearing, the Commission reviewed the information sought by the Appellant against points 5, 10, 12, 14 and 15 as per details given below:

P o i n t 5
The Commission directs the PIO to inform the Appellant about the mechanism that is set into motion on the pressing of a panic button by a passenger, as available on record.
If not available, the Appellant to be informed the same formally in writing. Point 10
The Commission directs the PIO to provide detailed specifications of GPS/GPRS and other related equipment. If information is not available, the Appellant to be informed accordingly.

Point 12 The Commission directs the PIO to provide the sample, free of cost to the Appellant in view of the delay in supplying information.

P o i n t s 1 4 a n d 1 5
The PIO to allow the Appellant to inspect the relevant records on a mutually convenient date and time and to provide him with attested copies of documents identified by him, free of cost. All information to be provided by 1.10.11.

3. The appeal is disposed of with the above directions. CIC/AD/A/2011/001754 Background

4. The Applicant filed an RTI Application dt.23.3.11 with the PIO, Transport Department seeking information against 26 points in respect of notification dt.17.3.11 about installment of GPS devices in autorickshaws and other related matters. He also wanted to know whether the auto driver can refuse a passenger when he is going home at the end of his shift and how he can indicate that he will accept a fare. He requested for inspection of the entire file(s) concerning GPS/GPRS including any agreements, contracts, tenders, reports, proposals, specifications of equipment, file notings, correspondence, etc. and also of the equipment in the Central Command Centre / Control Room dealing with the GPS. Copies of any documents after inspection to be provided upon payment on the spot or in due course. The Applicant further sought a list of vendors authorised by DIMTS together with the work that they are authorised to do besides information on whether the amount is to be collected by the agency designated for collection of amount to be deposited, as per condition No.26(I), on a calendar year or financial year basis.

5. Shri Ajay Memoria, SPIO vide his letter dt.20.4.11 provided the point wise information dt.20.4.11 furnished by MLO(ARU). The Applicant however filed an appeal dt.25.4.11 with the Appellate Authority commenting on the reply provided against points 2, 5, 9, 11, 12, 14, 16 and 22. Shri R.P.Meena, Appellate Authority replied on 25.4.11 stating that MLO(ARU) has agreed to provide information against point 5. He added that a reply received from DIMTS against points 11, 12 and 16 has already been provided to the Appellant. He also directed MLO(ARU) to provide information against points 14 and 22. The Appellant, being aggrieved with this reply, filed a second appeal dt.19.7.11 before CIC reiterating his request for the information against points 5, 11, 12, 16, 17 and

22. Decision

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During the hearing, the Commission reviewed the information against points 5, 11, 12, 16, 17 and 22.
P o i n t 5
The Commission directs the MLO(ARU) to provide the information to the Appellant and also to show cause as to why the order of the Appellate Authority has not been complied with. He is directed to submit his written response to the Commission by 13.10.11. Point 11
The PIO is directed to allow the Appellant to inspect the relevant records on a mutually convenient

date and time and to provide him with attested copies of documents identified by him, free of cost.
P o i n t 1 2
The PIO to allow the Appellant to inspect the infrastructure in the Central Command Centre and the Control Room.

Points 16 and 17.

The Appellant submitted that there is a contradiction in the replies provided against t h e s e t w o queries, with regard to vendors authorized by DIMTS . The PIO is directed to provide the required clarification, along with copies of the supporting documents. Inspection of repair centres may also be allowed to the Appellant, as sought in point 17.

Point 22 The PIO is directed to provide information against this query. All information to be provided by 1.10.11.

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The Commission directs the PIO to show cause as to why he failed to appear before the Commission for the hearing. He is directed to submit his written explanation by 13.10.11.

7. The appeal is disposed of with the above directions.

(Annapurna Dixit) Information Commissioner Authenticated true copy (G.Subramanian)
Deputy Registrar Cc:

1. Shri Mayank Gilani H.No.B40, 1st Floor Moti Nagar New Delhi

2. The Public Information Officer Chief Minister's Office RTI Cell C302, 3rd Level Delhi Secretariat New Delhi

3. The Appellate Authority Chief Minister's Office RTI Cell C302, 3rd Level Delhi Secretariat New Delhi

4. Officer in charge, NIC Note: In case, the Commission's above directives have not been c o m p l i e d w i t h b y t h e R e s p o n d e n t s , t h e Appellant/Complainant may file a formal complaint with the Commission under Section 18(1) of the RTI A c t , g i v i n g (1) c o p y o f R T I application, (2) copy of the Commission's decision, and (3) any other documents which he/she considers to be necessary for deciding the complaint. In the prayer, the Appellant/Complainant may indicate, what information has not been provided.