

Central Information Commission

Mr. Shyam Sunder Kaushik vs Govt. Of Nct Of Delhi on 5 January, 2009

CENTRAL INFORMATION COMMISSION

Room No.415, 4th Floor, Block IV,  
Old JNU Campus, New Delhi 110066.  
Tel: + 91 11 26161796

Decision No. CIC /WB/A/2008/01518/

Appeal No. CIC/WB/A/2008

Relevant Facts

emerging from the Appeal Appellant : Mr. Shyam Sunder Kaushik, 576, Chirag Delhi, New Delhi-110017.

|                                 |   |  |
|---------------------------------|---|--|
| Respondent 1                    | : | ADM & CPIO,<br>Govt. of NCT of Delhi,<br>Central Distt., Darya Gunj,<br>Delhi. |
| RTI application filed on        | : | 13/02/2008   |
| PIO replied                     | : | 13/03/2008   |
| First appeal filed on           | : | 24/03/2008   |
| First Appellate Authority order | : | 28/07/2008   |
| Second Appeal filed on          | : | 29/08/2008   |

The Information Sought as under:

| S.N | Information Sought  | PIO Reply |
|-----|---|-----------|
| 1.  | Is it correct that vide letter dated 28-08-02 There is no such record available which can explain (Copy enclosed) the then Sub-Registrar-III that a FIR was lodged or not with SHO/P.S. Darya had lodged a complaint with the SHO/P.S. Gunj on 28-08-02 by the Sub-Registrar regarding Darya Gunj, Delhi alleging therein that tempering of record. However, the SHO (Darya tampering of Govt. records has taken place Gunj) has been provided with the copy of said in his office because the particular of report and requested to submit his comments. The document no. 134 registered in Addl. Book record available in this office the particular of the No. 1, Volume No. 3621 on pages 116 to concerned records/file. 118 do not tally said latter may also be provided. |           |
| 2.  | Is it correct that the particular of document As per records available in this office, the particular No. 4013 registered in Addl. Book No.1, of the document no. 4013 registered in Addl. Book Volume No. 3585 on pages 64 to 67 (Copy No-1, Volume No. 3585, Pages 64-67 photocopy of enclosed) do not tally with those of the which has been provided by the Appellant, don't Index (copy enclosed) in this respect kindly tally with peshi register. inform:  |           |
| a.  | In case the Particular differ a. After inspecting the peshi register, it has whether any police report has been been observed that there is no cutting/ made with respect to the said overwriting in that particular entry in peshi tampering of records and copy   |           |

of register. However, the record/file pertaining such report may kindly be provided to police report for tampering of records is as pr rules. not available in this office.

b. If not, Reasons for not lodging the b. The reasons for not lodging the police police report. report can be best explained by the then Sub-Registrar.

The First Appellate Authority Ordered:

The ADM (Central)/ PIO has forwarded a copy of the reply from SR-III to the applicant. In the case of dr. D.V. Rao vs. Dept. of Legal Affairs (File No. CIC/AT/A/2006/00045), CIC has decided in its judgments dated 21-04-06.

In view of what has been stated above, the appeal filed by the Appellant is dismissed on the ground that a correct reply has been filed by PIO and which was thereafter been confirmed by the report of SHO (Darya Gunj) furnished during appeal proceedings. Moreover, the reasons for not taking a particular course of action also can not be taken up under the RTI Act.

Relevant Facts emerging during Hearing:

The following were present Appellant: Mr. Shyam Sunder Kaushik Respondent: Mr.G.P.Singh PIO The reply by the respondent shows that the Public authority had no record or knowledge of a complaint made by the Sub-Registrar to the S.H.O. of the Daryaganj Police station about tampering with a Govt. record and 'a conspiracy to cheat'. The respondent states that he does not know how or why the complaint is not on the records of the Public authority. The appellant is pointing out a case at point 2 where the Public authority in February 2008 has acknowledged that 'After inspecting the peshi register, it has been observed that there is no cutting/ overwriting in that particular entry in peshi register. However, the record/file pertaining to police report for tampering of records is not available in this office.' The respondent states that investigations are going on. The Commission sees that the technical needs of giving the information have been met, but the Public authority seems extremely reluctant to take action to stop what appears to be doubtful practices. In spite of a Citizen showing doubtful transactions, the Public authority does not appear to be vigorously doing anything.

Decision:

Appeal is disposed.

This decision is announced in open chamber.

Notice of this decision be given free of cost to the parties Shailesh Gandhi Information Commissioner 5 January 2009 (In any correspondence on this decision, mentioned the complete decision number.)