

CENTRAL INFORMATION COMMISSION

Appeal No. CIC/WB/C/2006/00081

Dated:17-5-2006

Right to Information Act – Section 18

Name of the Complainants : i) Shri Nizamuddin
ii) Shri Harphool Singh
iii) Shri Rajinder Singh
iv) Mrs. Gita Dewan Verma

Name of Public Authority : Directorate of Estates & Ministry of Urban
Development, New Delhi

Facts:

The applicant has filed a complaint on 14-5-2006 against alleged violation of Section 4 of the RTI Act by the Directorate of Estates. The complaint is with regard to information placed on the website which, in the view of the complainant, is not in conformity with Section 4 (1) that requires that the Public Authority shall maintain all its records duly catalogued and indexed in a manner and form which facilitates the right to information under this Act and ensure that all records that are appropriate to be computerized are, within a reasonable time and subject to availability of resources, computerized and connected through a network all over the country on different systems so that access to such records is facilitated. It is acknowledged in the complaint that the Directorate of Estates primarily deals with the Government accommodation pool but in para-4 of the complaint points to a number of deficiencies in the information available on the site i.e. :

- a) List of vacant units are not viewable;
- b) Tables are not in real-time;

- c) Tables for vacancies are locality-wise and type-wise but do not indicate all localities or all availability;
- d) No information regarding sub-letting;
- e) Categorization of allotment is vague.

Applicants have, therefore, complained that Government employees entitled to the accommodation have been inconvenienced and have therefore prayed that Directorate of Estates and its nodal Ministry of Urban Development be directed to forthwith upgrade levels of information access to be in compliance with the RTI Act, and this be taken up urgently.

In response to the complaint notice issued by this Commission to the Directorate of Estates on June 12, 2006 that Public Authority has responded through a letter of 23rd June, 2006 with a reply on four paragraphs raised in the complaint, indicating that measures are being undertaken to replace the existing website with a reconstructed one being designed by NIC, which will replace information on GAMS systems through the EAWAS website on the web address <http://estates.nic.in>. In her rejoinder to these comments complainant No.4 Smt. Gita Dewan Verma has objected to her complaint being treated as a suggestion, but has in fact requested for compensation options under ground (H) of the complaint which reads as follows:

- H. "Because Government employees in the communities of Complainants 1 to 3 have been greatly disadvantaged by failure of DOE to make proactive disclosure under s.4 of RTI Act to make publicly accessible in a meaningful way the information contained in the GAMS database, ie information intrinsically connected to enabling them to avail entitlements to Government accommodation. It is pertinent that their communities as a whole are disadvantaged by the failure of other authorities of the MoUD to implement legal schemes for housing entitlements in accordance with the Master Plan. As a consequence of these failures, they face options only of illegal re-housing, at times so grossly sub-standard as to be

fatal. They face, therefore, not only hardship but also risk of deaths, including of children.”

Appellants are represented at the hearing by Ms. Gita Dewan Verma. PIO Shri S.K. Chakrabarty, Dy. Director (Computers) of the Directorate of Estates is also present. Ms. Verma once again reiterated that the complaint may not be treated as suggestion and that Section 4 of the Act not having been complied with even a year after the enactment of the law cannot be condoned. When it was pointed out to her that u/s 4 (1) “a reasonable time and subject to availability of resources” had been allowed for computerization and connection through networking all over the country from different systems so that access to such information is facilitated, she responded by arguing that in this case the records were already computerized and therefore, they needed to be made RTI compliant in a manner and form which facilitated the right to information under this Act. She reiterated her arguments that data base information, at present, was not meaningfully accessible. The PIO welcomed the arguments of the complainant, and offered to include her in the consultation process for improving the website. However, appellant Ms. Verma objected that she did not wish to be treated as privileged, but only that information should be supplied in the manner mandated by the Act.

DECISION NOTICE

The PIO Shri Chakrabarty committed before this Commission that the reconstructed website incorporating the points raised by the complainant would be on-line by the close of July. The complainant is welcome to inspect the site either in the office of the Director of Estates or through her own access and make any suggestions for improvement. However, since Section 4 (2) and (3) of the RTI Act calls for continuous improvement in keeping with the resources available, we fail to find any reason to hold the Directorate of Estates in violation of that Section, since we find that they are endeavouring to keep pace with technological development so as to ensure the updating of their information.

Under para (H) of the complaint quoted above the complaint is that because the Department has not updated their information other organizations of the MoUD have also not done so, thus causing damage and risk. However, in this complaint there is no prayer for damages which has been asked for by applicant no 4 in her rejoinder to the response of the Directorate of Estates to the complaint notice. This was also not pursued in the hearing. Since the Directorate of Estates has admitted to the shortcomings, complained against and committed to completion of restructuring in compliance with Section 4 of the RTI Act, this complaint is now disposed of with the stipulation that improvement of the website may be made a constant endeavour so as to keep the public authority in compliance to the Act.

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

(Wajahat Habibullah)
Chief Information Commissioner
13/7/2006

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)
Additional Registrar
13/7/2006