

CENTRAL INFORMATION COMMISSION

Room No.308, B wing, August Kranti Bhawan, Bhikaji Cama Place, New Delhi-110066

Appeal No. CIC/S/A/2008/00006

Appellant: Shri Venkatesh Nayak

Public Authority: Delhi Development Authority
(through Col. N.S. Verma, Consultant)

Date of Hearing: 09/02/2009

Date of Decision: 09/02/2009

FACTS:-

By his letter of 26/05/2008, the Appellant had requested for information on the following three points:-

- “1) A photocopy of the Gazette notification regarding the enactment of the Delhi Development Act, 1957;
- 2) A photocopy each of all Gazette notifications regarding amendments incorporated to the Delhi Development Act, 1957 till date; and
- 3) A photocopy each of all Gazette notifications regarding Rules made under the Delhi Development Act 1957 till date.”

2. It appears that SRO(RTI) sent some response to the Appellant which, it appears, has not been received by the Appellant. Subsequent thereto, Ms. Nemo Dhar, Director(PR) (PIO), vide her letter dated 27/08/2008, had informed the Appellant that the information requested for by him had been sent to him vide DDA's letter dated 18/062008.

3. It appears that the Appellant had also filed first Appeal vide letter dated 29/10/2008. The Appeal has not been formally decided by the first Appellate Authority.

4. The present Appeal has been directed against the order of the CPIO and the AA.

5. The matter was heard on 09/02/2009. The Appellant appeared before the Commission. The DDA is represented by the officer named above. It is the submission of Col. Verma that requisite information was sent to the Appellant vide their letter dated 27/08/2008 and, therefore, the necessity for passing a formal order by the Appellate Authority was not felt.

6. Coming to the merits of the case, it is common place that the statutes published and available in the market are considered to be the authentic versions of the original unless someone points out specific mistakes/discrepancies therein. It is not Shri Nayak's case that the text of the Delhi Development Act available in the market is not correct.

However, Shri Sarabjit Roy, intervening as a third party, would submit that the authentic copy of the Delhi Development Act is not available with the DDA. He has also drawn my attention to para 3 of the decision of the Division Bench of the Commission (coram: Smt. Padma Balasubramanian, IC and Shri Wajahat Habibullah, CIC) in Appeal No.10/1/2005-CIC (Er. Sarabjit Roy Vs. DDA) wherein DDA was directed to put the Delhi Development Act and the Rules framed thereunder on the website within a period of 30 days. It is Shri Roy's submission that the Commission's order has not been complied with by DDA.

7. As far as the authenticity of the text of the statute is concerned, it can be cross-checked only with the Ministry of Law which drafts the laws and is the custodian of original documents. If the Appellant or Shri Roy have any doubts about the authenticity of the Delhi Development Act, as available in the market, the only course open to him is to make a reference to the Ministry of Law. As regards the availability of an authentic version of DD Act with DDA, the same argument would hold good. But as regards non-compliance of the directions of this Commission in the matter referred to above, the Appellant Shri Nayak and Shri Roy have made a valid point inasmuch as DDA is mandated to comply with the orders of this Commission.

DECISION

8. In this view of the matter, Shri V.M. Bansal, Secretary, DDA, is hereby directed to put the DDA Act, as amended from time to time, and the Rules framed thereunder (duly updated) on DDA's website. He will also ensure that any amendments in Rules in future are put on the website.

9. The order of the Commission may be complied within six weeks time.

10. The Appellant would be at liberty to move the Commission again if the orders of the Commission are not complied within above mentioned time-frame.

Sd/-

(M.L. Sharma)

Central Information Commissioner

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.

(K.L. Das)
Assistant Registrar
Tele: 011 2671 73 53