

Central Information Commission

Room No.307, II Floor, B Wing, August Kranti Bhawan, Bhikaji Cama Place, New Delhi-110066
website-cic.gov.in

Appeal No. CIC/YA/A/2016/000911/MP

Appellant : Shri Ajay Kumar Bahl, Faridabad
Public Authority : National Highways Authority of India, Faridabad/
New Delhi

Date of Hearing : June 12, 2017
Date of Decision : June 19, 2017

Present:

Appellant : Present – at CIC
Respondent : Shri Dinesh Yadav, GM (T), NHAI New Delhi, Shri
Suresh Kumar, Manager (Tech), CMU Mathura,
Faridabad, Adv. Payal Kakra – at CIC

RTI application : 26.11.2015
CPIO's reply : 03.12.2015
First appeal : 26.01.2016
FAA's order : NA
Second appeal : 23.02.2016

ORDER

1. Shri Ajay Kumar Bahl, the appellant, sought information regarding six-laning of the National Highway connecting National Capital and Agra. The appellant sought details of provision of access and safe passage through construction zones made for bicyclists and pedestrians, including those with disabilities, through work zones; details of temporary traffic control devices deployed to control traffic movement; details of personnel trained who had been assigned responsibility for safety in construction zones; etc., through 16 points.

2. The Nodal Officer (RTI) forwarded appellant's RTI application u/s 5(4) to the Central Public Information Officer (CPIO), GM (Tech), NHAI, for providing information to the appellant, directly, keeping in view the provisions of the RTI Act, 2005. The appellant, not having received any response from the CPIO within the stipulated time period, approached the First Appellate Authority (FAA) and requested him to provide the desired information/documents. The FAA does not seem to have adjudicated in the

matter. Aggrieved, the appellant came in appeal before the Commission stating that the CPIO had deliberately denied information to the appellant as no information was provided to him till the date of filing of second appeal and that there was a gross violation of the appellant's right to information and requested the Commission to provide the information/documents as sought by him. In addition to the above, the appellant also requested the Commission to impose penalty upon the CPIO and to initiate necessary action against the CPIO as well as to award compensation to the appellant.

3. The matter was heard by the Commission. The appellant submitted that no factual information supported by any documentary evidence/proof was given to him by the PIO, CMU Mathura except the personal views of the PIO on all the points of his application. Further, no response was given by the CPIO on points (xvi) and (xvii) of his application also.

4. The respondent submitted that the available information, as per the records, had been already provided to the appellant by the CPIO on 22.03.2016. However, there was no separate provision for safety of cyclists and disabled, as such, in the Concession Agreement as far as point (i) of the application was concerned while, the provision of safety measures along the National Highway for road users was the primary responsibility of the Concessionaire as per the agreement. The respondents explained that the appellant's RTI application, dated 19.10.2015, was received in their Mathura office on 13.11.2015 and due to major issues with the NHAI's central server, reply/information could only have been provided after that on 04.02.2016.

5. On hearing both the parties and perusing the available records, the Commission finds that incomplete response has been given to the appellant by the PIO which has not been substantiated and in view of steady rise in highway accidents, the CPIO is bound to make maximum disclosure in operations and maintenance of toll plazas, as is possible, to the appellant under the RTI Act, 2005, for facilitating transparency and accountability which is the very purpose of the Act. The PIO, CMU Mathura, is therefore, directed to obtain details from the Concessionaire regarding the latest report of functional signages for traffic control, of a fortnight along with the details of Emergency Response Vehicles provided by the Concessionaire along the National Highway, and provide it to the appellant, under point (ii) and point (x) of the application.

Additionally, the PIO shall also give details of penalty / suspension imposed on the Concessionaire under point (xiii) and provide a certified copy of latest road safety audit carried out during the construction of the National Highway, under point (xv) as well as complete and certified information, in the format which is available, for the last three years, under points (xvi) & (xvii) of the RTI application. The PIO shall provide the above stated information to the appellant within 20 days of the receipt of the order of the Commission. The Commission, however, cautions the CPIO for the future to send an appropriate response to the applicant within the stipulated time period so that the information seeker may not lose faith in the public authorities. Available information, on rest of the points, has been provided to the appellant by the CPIO. The appeal is disposed of.

(Manjula Prasher)
Information Commissioner

Authenticated true copy:

Dy Registrar

Copy to:

The Central Public Information Officer
National Highways Authority of India,
General Manager (Delhi),
G-5 & 6, Sector – 10, Dwarka,
New Delhi – 110 075

The First Appellate Authority
National Highways Authority of India,
Chief General Manager,
G-5 & 6, Sector – 10, Dwarka,
New Delhi – 110 075

National Highways Authority of India,
General Manager & Nodal Officer (RTI),
G-5 & 6, Sector – 10, Dwarka,
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Shri Ajay Kumar Bahl,
R/o House No. 1669, Sector – 9,
Faridabad, Haryana – 121 006