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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 390/2015**

NATIONAL HUMAN RIGHTS COMMISSION ..... Petitioner

Through: Ms Shobha and Ms Joyshree  
Barman, Advocates.

versus

CENTRAL INFORMATION  
COMMISSION & ORS.

..... Respondents

Through: Mr Feblin Mathew, Advocate for R-2.

**CORAM:**  
**HON'BLE MR. JUSTICE VIBHU BAKHRU**

**ORDER**  
**12.09.2017**

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**VIBHU BAKHRU, J**

1. The petitioner (hereafter 'NHRC') has filed the present petition, *inter alia*, impugning the order dated 09.12.2014 (hereafter 'the impugned order') passed by the Central Information Commission (CIC).
2. By the impugned order, the CIC had disposed of the second appeal preferred by respondent no.2 under section 19(3) of the Right to Information Act, 2005 (hereafter 'the Act') by directing the NHRC to provide a complete and categorical information to respondent no.2, as requested in his application filed under the Act.
3. Respondent no.2 had filed an application on 27.02.2014, *inter alia*, seeking the following information:

“Applicant would like to know point wise reply in the form of action if any taken against applications/complaints submitted in the concerned office dated 31.12.2013 (copy enclosed).

More than that applicant would like to know.

Nodal agency who looks into these affairs.

Nodal agency who takes action in these affairs

Process of registering complaints in these issues.”

4. In response to the aforesaid application, the Public Information Officer (PIO) of the NHRC sent a letter dated 24.03.2014, forwarding a note, *inter alia*, stating as under:

"On perusal of the application, it is seen that the applicant is seeking information about action taken by the Commission on his complaint sent on dated 31/12/2013. He is also seeking various information about the matter.

In this regard it is to inform that a complaint dated 31/12/2013 received in this Commission vide Cr. No. 70 dated 01/01/2014. It has been processed and scrutinised by the consultant and placed before the Commission. The complaint was disposed by the Commission vide its direction dated 20/01/2014 in the Case No. 114/30/8/2014 as under:-

"The complaint be transmitted to the concerned authority for such action as deemed appropriate. The authority concerned is directed to take appropriate action within 8 weeks and to inform the complainant of the action taken in the matter."

Accordingly, the complaint was transmitted to the Chairmen, U.G.C., New Delhi, vide Commission letter dated 22/01/2014 (copy enclosed) under intimation to the complainant/applicant. Copy of Proceeding is also enclosed. Further information may be obtained from the office of Chairman, UGC, New Delhi."

5. It is apparent from the above that the NHRC had unequivocally communicated to respondent no.2 that it had acted on his complaints by forwarding the same to the concerned authority – University Grants Commission (UGC).

6. Respondent no.2 filed an appeal before the First Appellate Authority (FAA) on 22.04.2014, however, he was not successful and the FAA disposed of the appeal by an order dated 24.04.2014. Aggrieved by the same, respondent no.2 preferred a second appeal before CIC.

7. A plain reading of the impugned order indicates that the CIC proceeded on completely erroneous premise that the respondent's RTI application was transmitted to the UGC, and NHRC had not provided information as sought for by the respondent no.2. The examination of the record indicates to the contrary.

8. The information sought by respondent no.2 was with regard to the action taken by NHRC in respect of his complaints and the nodal agency who looks and takes actions in these affairs. Undisputedly, the only action taken by NHRC was to forward the complaints to the concerned authority (UGC). The letters, under the cover of which the complaints were forwarded to the authority, were also marked to the respondent. Thus, respondent was fully aware as to how his complaints had been dealt with by NHRC. In the event, the respondent required any further information as to how the said complaints had been dealt with by the concerned authority, the apposite course would have been for the respondent to approach that authority under

the Act.

9. In the aforesaid circumstances, the present petition is allowed and the impugned order is set aside with liberty to the respondent no.2 to approach the concerned authority (UGC) under the Act.

**VIBHU BAKHRU, J**

**SEPTEMBER 12, 2017**

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