

## CENTRAL INFORMATION COMMISSION

### Inquiry Report

The matter pertains to giving false information to Prof. J.R. Verma, Complainant in Appeal Case No. CIC/WB/C/2006/00041 before this Commission.

2. The information relates to demolition of unauthorized construction of Flat No. BD/8-G, DDA Flats, Munirka, New Delhi. The report was sent to Prof. Verma certifying that demolition could not be completed due to non-availability of force on 31.12.2005.

3. The Enquiry in this case was initially entrusted to Shri Suresh Bhandari, the then DC (South), MCD, who in his report submitted that wrong information was furnished by Shri S.A. Saifi, the then Jr. Engineer (Bldg.) and it was forwarded by Shri P.K. Jain, Assistant Engineer (Bldg.) and Shri R.B.S. Bansal, the then Executive Engineer (Bldg.) without checking the veracity of the report submitted by Shri Saifi.

4. Accordingly, the DC (South Zone) was ordered by the Commission to take appropriate disciplinary action against all the above persons. Mr. Saifi thereafter approached the Commission and submitted a review petition wherein he stated that he has mis-read 31.10.2005 as 31.12.2005 and as such he is not at fault.

5. On 07.03.2008, an enquiry was conducted in regard to the petition submitted by Shri Saifi. In support of his submissions, Mr. Saifi submitted a copy of the U.C. File and a copy of the relevant paper sheet of the Demolition Action Register. From the U.C. File it appears that the report as mentioned below is signed by the then Jr. Engineer(Bldg.) on 31.10.2005 and not 31.12.2005. The report runs as follows:-

“Action could not be taken due to non-availability of police force”.

6. The MCD officials were thereafter directed to appear on 07.04.2008 and to bring the original police requisition made for the said action plan of 31.10.2005 so that it could be ascertained as to whether the demolition could not be conducted because of non-availability of police force as reported to Prof. Verma.

7. Accordingly, the enquiry was conducted on 07.04.2008 and following were present:-

- (i) Shri Suresh Bhandari, the then DC (South Zone), MCD.

- (ii) Shri Brajesh Kumar, Executive Engineer (Bldg.), South Zone.
- (iii) Shri R.B.S. Bansal, the then Executive Engineer (Bldg.), South Zone.
- (iv) Shri S.A. Saifi, the then Junior Engineer (Bldg), South Zone.

8. From the records presented before me, it appears that as per the action plan for the month of October, 2005, DDA Flat, Munirka, New Delhi, was included for demolition of unauthorized construction. But the police report of 31.10.2005, which is endorsed on this action plan, reads as under:-

“It is submitted that today demolition action taken properties already demolished, said by JE, P.K. Jain, vide DD No. 36B dated 31.10.2005. Hence, no force requirement. Submitted.

Sd/-  
SHO, Vasant Vihar, Police Station,  
New Delhi.”

9. From this, it appeared that a wrong report was submitted to Prof. Verma. It further appeared that in the U.C. File No. 66/B/UC/SZ/2005 in respect of 31.10.2005 what has been recorded is as under:-

“Action could not be taken due to non-availability of police force”.

10. This report seems to have been prepared by the then Junior Engineer and passed through A.E. with the remark “Try again”.

11. It was, therefore, considered necessary that all the officials who have prepared this report need to be examined as a part of this enquiry. DC, South Zone, MCD, was, therefore, directed to identify the officials/officers who have made these entries in the U.C. File so that appropriate action can be recommended against them by the Commission. It appears what has been communicated to Prof. Verma is that action could not taken due to non-availability of police force whereas the fact is that police were told that properties for which action plan has been drawn already stand demolished and there is no requirement of force.

12. It was, therefore, considered necessary that all the persons who have prepared and sent the report to Prof. Verma as noted above and all the officers/officials who have prepared the report on the U.C. File may be responsible for preparation of this incorrect report and as such fixation of responsibility has to be finalized.

13. DC, South Zone, was, therefore, requested to identify all such people and ensure that they appear on **23.04.2008** at **10.30 A.M.** He was also contacted over phone and asked to ensure that the original office copy of the report sent to Prof. Verma on 19.01.2006 bearing Reference No. D-2070/EE(B)/SZ/2006 is also produced alongwith the Demolition Report for the relevant period. His personal attendance was, however, dispensed with.

14. On 23rd April, 2008, the following officials of MCD were present:

1. Shri Hisamuddin
2. Shri P.K. Jain
3. Shri D.R. Shah
4. Shri R.B.S. Bansal
5. Shri Brajesh Kumar
6. Shri K.K. Sybl
7. Shri Jogender Tokas
8. Shri Shiv Kumar
9. Shri N.R. Murty
10. Sri S.A. Saifi
11. Shri P.K. Jain

15. The hearing continued on 24th April, 2008 in presence of the following:

1. Shri R.B.S. Bansal
2. Shri Brajesh Kumar
3. Shri P.K. Jain
4. Shri Jogender Tokas
5. Sri S.A. Saifi
6. Shri N.R. Murty
7. Shri P.K. Jain

16. Mr. Hisamuddin, Assistant Engineer (Works), Shahdara North stated that he was the Assistant Engineer during the period from 01.07.2005 till 21.10.05 and that Exhibit - 1, 2, 3, 4, 5, 6 and 7 were issued under his signature, which are also exhibited as 1(1), 2(1), 3(1), 4(1), 5(1), 6(1), 7(1) and 7(2). He however stated that after the demolition letter was issued, he is not responsible to ensure whether the order is executed and implemented. Demolition schedules are fixed by Executive Engineer in consultation with the Deputy Commissioner and the Superintending Engineer and that he does not come in between.

17. Mr. P.K. Jain presently working as JE in the Executive Engineer Office Div.III Shadhra North stated that he was JE

(B) under South Zone during the period from 01.07.2005 to 31.10.2005. He admitted that Exhibit - 1(2), 3(2), 3(3), 4(2), 6(2), 6(3), 7(3), 7(4) and 7(5) are his signatures. He stated that he has signed Exhibit 7(5) which runs as follows : "Action could not be taken due to non-availability of Police Force". From the records, he justified that police requisition concerning 29.08.2005 relates to the area about which Prof. J.R. Verma has complained. Exhibit 8 is the requisition for police force. Exhibit 10 was received by him from police and it was noted to the South Zone OI (Bldg.).

18. Mr. Jogender Tokas who is the Head Clerk (Edu) HQ stated that he was the OI (South) in South Zone of MCD during the period from 31.05.2005 till 31.08.2007. As the custodian of the record, he can not explain as to when Exhibit 8 & 9 were issued. He can very verify and inform. Similarly, he can not also state when Exhibit 10 was received. He confirmed that Exhibit 10 was handed over to him by the JE, Mr. P.K. Jain. He admits that he had no record of Exhibit 10 when it was received by him. He just placed that in the file.

19. Mr. P.K. Jain, AE in CTP department, M.C.D stated that he was Assistant Engineer for South Zone, M.C.D during the period from 21.10.2005 to 07.03.2006. Exhibit 7 was produced to him with the intimation that action can not be taken due to "non-availability of police force". Exhibit 7 was signed by him with the confirmation as follows: "Try Again". Exhibit 7(6) is issued under his signature. He admits he did not verify as to whether the intimation made on the file was correct or not. He admits that he did not verify from the concerning authority in so far the above noting is concerned. He admitted that as AE it is his duty to supervise the demolition work, which is usually conducted by JE. In this particular case he does not know whether this order of demolition was executed on 31.10.2005 or thereafter. He also stated that Mr. Jain, JE was transferred on 31.10.2005 and that was his last working day in South Zone, MCD. Mr. S.H. Mujtaba took over as JE and after that Mr.S.A. Saifi was in Charge of this area as JE.

### **Findings**

20. From the records, it appears that RTI requisition from Prof. Verma was received by MCD, South branch on 12.12.2005 under diary No.&/ID/DC/SZ. The applicant submitted Rs.10/- with the application in cash. The Deputy Commissioner, South Zone who was PIO responded to the RTI request vide letter No.291/DC/SZ/RI/2005 dated 27.01.2006. The PIO enclosed information furnished by the concerned Building division of MCD Mr. Saifi stated that the reply which was given to Prof. Verma was signed by him but the date has been mis-typed as 31.12.2005 in place of 31.10.2005. The report signed by Mr.Saifi, JE(Bldg.) passed

through Assistant Engineer and Mr.R.B.S Bansal, Executive Engineer.

21. Mr. Jain admitted that noting which was signed by him at Exhibit 7(5) is a mistake. Mr. Jain, however stated that he was under the impression that the information related to the demolition operation in DDA Flats at Munirka, which was duly conducted and he accordingly informed the Police that there is no requirement of the Force, as the demolition is already over.

22. I have carefully gone through the records submitted before me. I have also examined the relevant functionaries of the MCD. It appears that the demolition plan was made on 31.10.2005 for demolition of DDA flats in Munirka. It has been submitted before me that the demolition was conducted in the area a few days before and accordingly it was recorded that the demolition is already complete. The report was wrong but it seems to be more a case of mistaken identity of the place. In this connection, it may be further noted that the date mentioned in the communication sent to Prof. Verma is 31.12.2005, but the entries that relate to the property in question are made on 31.10.2005. No demolition was planned for 31.12.2005 and hence no requisition has also been given to the police authorities for that date. The submission of incorrect report to Prof. Verma is, therefore, attributed to the two mistakes – one committed by Mr. P.K. Jain, Junior Engineer and the other committed by Mr. S.A. Saifi in wrong recording of date as 31.12.2005 instead of 31.10.2005. Non-mentioning of the full details of the property in the Police Requisition Schedule is the cause for all this.

23. Under the facts and circumstances of the case, I do not find any *mens-rea*. Although the report given is incorrect, but there appears to be no fabrication of records.

Submitted.

( **L.C. Singhi** )  
**Registrar**  
**05.03.2009**