

IN THE HIGH COURT OF DELHI AT NEW DELHI

SUBJECT : Right to Information Act, 2005

W.P.(C) 8228/2007

Date of Decision : 16th November, 2007

SURESH CHAND GUPTA
Through Ms. Suman Chauhan, Advocate.

..... Petitioner

versus

DEPUTY COMMISISONER OF POLICE and ANR. Respondent
Through Mr.Joginder Sukhija, Advocate for
respondent No.1.

Mr. Justice S. Ravindra Bhat: (OPEN COURT)

O R D E R

1. Issue notice. Mr. Joginder Sukhija, Advocate accepts notice on behalf of respondents. With the consent of learned counsel for the parties, the matter was heard finally.
2. Though the petitioner sought several directions, Ms.Suman Chauhan, his learned counsel contended that the relief claimed in these proceedings would be confined to a request that the first respondent should permit inspection of the concerned records, with the assistance of the counsel or someone conversant in English.
3. The undisputed facts are that the petitioner claims to have made a complaint against Inspector Sukh Ram on 13.12.1998. He was informed on 21.6.2006 by the first respondent that the enquiry was completed. The petitioner approached this Court with a petition to direct the first respondent to intimate outcome of the enquiry, which had lasted for six years. This Court directed the first respondent that such intimation should be given to the petitioner. Pursuant to this, a letter dated 2.3.2006 was received by him stating that the allegations levelled against Inspector Sukh Ram could not substantiated.

4. The petitioner thereafter approached the Public Information Officer (PIO) under provisions of the Right to Information Act, 2005. The said authority by order dated 5.3.2007 partly granted the request and allowed inspection. The Petitioner, thereafter appears to have visited the office of the respondents and later addressed a letter on 26.3.2007 contending that he was not conversant in English, and could not properly inspect the records claiming to be aggrieved by the inaction of the respondent directions have been sought in these proceedings.

5. It was contended on behalf of the respondent that the petitioner was, in fact, permitted inspection, as a sequel to the order dated 5.3.2007. In case he was aggrieved, he ought to have appealed under Section 19 of this Act.

6. Learned counsel also endeavoured to contend that the present writ petition is not maintainable as the petitioner did not disclose certain relevant facts.

7. I have considered the materials on record. There is no dispute that the petitioner's request for inspection of the files was granted. In these circumstances, the contention that he ought to approach the appellate authority under Section 19, in my considered opinion is an untenable proposition. In fact, learned counsel advertence to Section 7, in my mind, strengthens the petitioner's claim to be provided the facility of assistance of counsel and someone conversant in English.

8. The object of the Act is to provide access to information in the custody of the executive agencies. Undoubtedly, the PIO was of the opinion that the records of which inspection have been sought, I were not of the kind which cannot be granted access to.

9. If the petitioner, for some reasons, felt inhibited due to his not being fluent in English, denial of appropriate assistance in fact would have resulted in withholding access to information. Surely, that is not the object of the Act or even the order. In these circumstances, the respondents should grant the petitioner's request. Accordingly, the respondent No.1 is directed to permit inspection of the concerned records by the petitioner, who can be accompanied by his counsel or an authorized representative.

10. In view of the above findings, the petitioner shall be present before the DCP(Vigilance) on 21st November, 2007 at 11.00 A.M. with his counsel or authorized representatives and permitted inspection of the concerned records. The petition is allowed in the above terms. No costs. Order Dasti.

Sd/-
S. RAVINDRA BHAT,J

NOVEMBER 16, 2007
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