



**THE SUPERINTENDENT OF POLICE-CUM-APPELLATE AUTHORITY-HQs.,
UNDER RIGHT TO INFORMATION ACT, 2005.**

Order on First Appeal u/s 19 RTI Act.

This is an order on the appeal dated 17.10.2019 preferred by Sh. Nand Lal Asija c/o Lalit Rishi r/o H.N. 120, Mansa Devi Complex, Sector-4, Panchkula under RTI Act 2005 and received in this office on 21.10.2019. The appellant has filed this appeal against the disposal of his RTI application dated 14.09.2019 by CPIO/Hqrs.

1. The appellant, vide his application dated 14.09.2019, under RTI Act, had requested CPIO-cum-ASP/South to supply him some information pertaining to complaint made by him vide No. PW201915759 dated 22.08.19. CPIO/South further transferred the RTI application to CPIO-Police Hqrs. u/s 6(3) of RTI Act 2005 for its disposal citing the reason that the complaint No. PW201915759, after enquiry, was sent to senior officers through public window on 24.09.2019.

2. The comments of DSP-cum-CPIO/Police Hqrs. have been called for. He has reported that complaint No. 201915759 was with CRU Branch and I/C CRU, when asked, replied that relevant file sought by the applicant was under consideration with senior officers and information could not be supplied at that stage. A denial letter u/s 8(1)(h) had been delivered to the applicant vide no. 351/DSP/Hqrs/Online RTI-19/D-435 dated 18.10.19.

3. I have gone through the RTI appeal, vis-a-vis facts of the RTI application & comments of CPIO/Police Hqrs. The appellant was contacted telephonically on 30.11.2019 and was offered personal hearing. He was heard at length on 31.10.19. He said that the CPIO merely denied the information by applying 8(1)(h) of RTI Act and gave no reason as how the information if supplied could have hampered the course of enquiry/investigation. The information sought by the appellant, supplied by the CPIO, grievance of the appellant is given below:

Sr. No	Information sought in RTI application	Information supplied by CPIO	Grievance raised in first appeal
1.	Each & every remark recorded by the SSP, UT Chandigarh on our complaint dated 22.08.2019 be supplied.	As per record of I/C CRU, complaint no. 15759/2019 is under consideration with senior officers. So the sought information is hereby denied under section 8(1)(h) of RTI Act 2005.	1. No response within Time-limit.
2.	Each & every statements/recorded upto the date of supplying of complete and correct information with supporting documents in respect of either party/individual concerning the complaint dated 22.08.2019 be supplied.		2. Appeal u/s 19(1) of RTI Act, 2005 against the act and omission of respondent/ CPIO-cum-DSP(S), Chandigarh for neither supplying the sought information/ documents nor apprising the appellant, the reasons for not supplying the same.
3.	Each & every complaints alongwith supporting documents received to I.O. directly or otherwise in the present case, if so submitted by either party upto the date of supplying of complete & correct information as available on the case file, be supplied.		

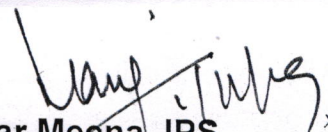
4.	Each & every material/evidence collected by the Investigating Officer regarding verifying of allegations levelled in the complaint under reference as available on case file, be supplied.		3. Claim in Appeal:- To issue direction to the respondent-CPIO for supplying complete, correct and point-wise information/documents as sought for by the appellant vide his RTI Application dated 13-09-2019. Appeal prayed for be allowed.
5.	Each & every summon/notice/parwana sent by the Investigating Officer to either party on account of verifying of allegations levelled in the complaint under reference as available on case file, be supplied.		
6.	Date, time of each & every mobile-call vide which Investigating Officer has called either party on account of verifying of allegations levelled in the complaint under reference as available on case file, be supplied.		4. Prayer:- I. For supplying complete, correct & Point-wise information/documents (duly attested) without any further delay that too free of cost as per Section 7(6) of the RTI Act 2005.
7.	Each & every document as available and as exists on case file, w.r.t. complaint dated 22.08.2019 alongwith action taken till date, date-wise thereupon, be supplied.		II. For adhering the time limit, as per prescribed under the provision of RTI Act 2005.
8.	Complete nothing portion i.e. Daily Progress Report and/or Order Sheet of the Investigating Officer on the aforesaid complaint, be supplied.		III. For extending due cooperation towards the citizen especially senior citizen of society, so that they may not be harassed at the hands of local police in view of the slogan of Chandigarh Police 'We care for You'.
9.	Each & every report/Comment/Order whereby whole case of investigation of the complaint under reference has been dealt with by any officer/official and necessary permission has been obtained from the higher competent authority, be supplied.		
10.	If at any stage, mobile call details of any of accused/witness/ complainant/ any other individual is explored, pursuant to the complaint under references, the details regarding the same along with supporting documents any please be supplied/disclosed in the writing.		

11. Decision of the First Appellate Authority:

The appellant had requested ASP-cum-CPIO/South to supply him copies/complete information regarding complaint made by him and registered at Public Window vide No. PW201915759 dated 22.08.19. The RTI application was filed by the appellant with CPIO/South on 14.09.19 which was transferred to CPIO/PHQ. on 13.10.19, exactly after a month. I, being appellate authority is of the view that either the RTI application should have had been disposed of by CPIO/South himself as the complaint was dealt by his office and was still under process or had been transferred to CPIO/PHQ. at the earliest so that the information could have been supplied to the appellant well in time. The CPIO/PHQ. had disposed of the application on 18.10.19 denying the information u/s 8(1)(h) citing the reason that the complaint under question was still under consideration of the senior officers. **Besides the CPIO, the undersigned being first appellate authority also agrees with the version of the appellant that the CPIO while denying the information u/s 8(1)(h) must give**

the reason as how the information, if supplied, could have hampered the enquiry/investigation of the case/complaint. The CPIO/Hqrs. is directed to get in written from the enquiry officer if he can supply the information now and if not, the reason thereof. The CPIO/Hqrs. is directed to give reply/information to the appellant within 7 days of issue of this order. In future, CPIO/South is directed to remain extra vigilant while disposing of RTI matter/applications so that the information can be supplied to the applicants well in time. The appeal is disposed of accordingly.

The appellant, if not satisfied with the disposal of appeal in the manner as above can file second appeal with the Hon'ble Chief Information Commission, CIC Bhawan, Baba Gangnath Marg, Munrika, New Delhi-110067 within a period of 90 days.


Manoj Kumar Meena, IPS
Superintendent of Police, HQs.,
-cum-Appellate Authority/HQs.
U.T., Chandigarh.

Sh. Nand Lal Asija father of Ashish Asija, c/o Lalit Rishi
r/o H.N. 120, Mansa Devi Complex, Sector-4, Panchkula.

No. D- 124-26 /RTI/SP/HQs. dated Chandigarh, the: - 1.11.19

Copies to the: -

1. DSP-cum-CPIO/HQs. for necessary action.
2. ASP-cum-CPIO/South for necessary action.
3. I/C Computer Section for updating the Web.

HC Sanjay Kumar

For m14



Insep/Computer

9/11/19