

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

**ORDER**

**Order on First Appeal u/s 19 RTI Act.**

This is an order on the appeal dated 09.01.2020 preferred by Sh. Paramjit Singh, Chamber No. 375, District Court Complex, Sector-43, Chandigarh under RTI Act 2005, received in this office on 13.01.2020, through SSP/UT-cum-First Appellate Authority, against the disposal of his RTI Application dated 08.11.2020.

(2) The appellant, vide his application dated 08.11.2020 under RTI Act 2005, had requested CPIO/HQs. to supply him some information pertaining to Punjab Police Rules. CAPIO/PHQs. transferred the application to CPIOs/ HQs., Central, and CPIO/Estt. CPIO/Establishment disposed of the RTI application vide No. 246/RTI-2019/CPIO(Estt.)/UT/50289 dated 11.12.2019 by supplying the information and CPIO/PHQ vide No. 1571/DSP/Hqrs/RTI-19 D-1631, 1632 dated 20.11.2019 by transferring the application to CPIO/Central.

(3) The appellant, not satisfied with the manner in which his application was disposed of by the CPIOs/HQrs. & Establishment has filed the instant appeal.

(4) The comments of DSP-cum-CPIO/HQs. have been called for. He has reported that after the scrutiny of RTI application the requisite information sought was found related to CPIO/Central so the same was transferred to CPIO/Central vide No. 1571/DSP/Hqrs./RTI-19, D-1631 dated 20.11.19.

**Decision of First Appellate Authority**

The undersigned being first appellate authority find no reason to disagree with the decision of CPIO/Hqrs. transferring the RTI application to CPIO/Central as the information sought was related to a protest held in Sector-17, Chandigarh which falls under the jurisdiction of DSP-cum-CPIO/Central.

(5) The comments CPIO/Establishment have been called for. He has provided information on points relating to him i.e. No. 5 & 11. Information sought, information provided, grievances raised in first appeal, comments of the CPIO/Estt. and the decision of the undersigned being first appellate authority is given below:

Information sought	Information provided	Grievances raised in First Appeal	Comments of CPIO/Esttt.	Decision of First Appellate Authority
1. Kindly supply the names of serving police officials in uniform who protested in the support of Delhi Police in Sector 17 on 6.11.2019 and		1. That the appellant vide his application under RTI Act dated 08.11.2019 asked for the information from the respondent and the same was sent through Registered		



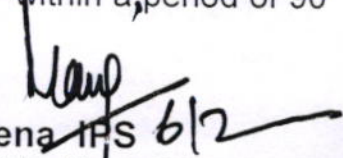
the details of duty of serving police officials who were participating in agitation on that particular date and time.		Post on 08.11.2019.		
2. Whether the said police official had taken any prior permission from any higher authorities?		2. That the letter vide memo No.DSP/Hqrs/RTI-19 D-1632 received in which the appellant was informed that the information relates to the office is of DSP-Cum-CPIO/Central Sector 17, Chandigarh and the said application was forwarded to the concerned office and copy of intimation is sent to the appellant.		
3.What was the grievances of the police officials who protested in the above mentioned date and time?		3. That thereafter the appellant again received a letter on 29. 11. 2019 in which the concerned office has not supplied the required information as per Annexure A-1.		
4. Copy of the application for permission for protest and the respective order (if any)		4. That the appellant received another letter dated 11. 12. 2019 vide No. 246/RTI-2019/CPIO (Estt./UT/50289 but the concerned official did not supplied the required information as per Annexure A-1. Copy of letter is Annexure A-5.		
5. Under which provisions/Act/ Rules/manual does the serving police officials protested and that too in uniform. Copy of the relevant provisions be supplies.	Nil	5. That the respondent has not supplied the information which was sought in the said application, however they are intentionally and deliberately not disclosed, the information to the appellant as the said incident was reported in full public view and 10 Mts from Police Post, Neelam, Sector 17, Chandigarh and published in various news paper.	5. There is nothing mentioned in the Punjab Police Rules as applicable to Chandigarh Police. Hence, the Nil information was provided to the applicant.	5. The undersigned is agree with the comments of the CPIO and the reply/information given while disposing RTI application.
6.Whether such/any kind of protest had ever happened in history of Chandigarh Police. Details regarding the same (if any).		6. That no such or relevant information has ever supplied to the applicant till date. However the motive of the respondent is only that they did not want to provide the said information to the applicant to save		
7.Whether the police services comes under the preview of essential services? And if yes whether the police can hold such protests/agitation under the essential services?				
8. Whether the department approves such protest ? If no whether any action has been initiated against the erring police officials (if any).				
9. Whether such act of serving police officials has tarnished/damaged the image/reputation of the Chandigarh Police and				



Chandigarh Lawyers?		their junior officer who protested in Uniforms and did illegal act or the reason best known to them.		
10. Whether there is any association/union of the serving Chandigarh Police Officials? If any kindly supply the details including the list of office bearers?		7. That from the above said facts it is clearly proves that the respondent did not bother to provide the necessary information to the appellant, as the said information is essential for the appellant to punish the wrong doers.		
11. Is it correct that the Punjab Police Service (Conduct) rules are applicable to the Chandigarh Police and the officials by holding the protest violate the rules mentioned therein ?	11. The information does not fall under the definition of RTI Act, 2005.	8. That it is amply proved on record that the respondent did not want to supply the information to the appellant intentionally and deliberately. The said protest was witnessed by media persons and the same was also published through social media. 9. That the present appeal is well within limitation as the last letter dated 11.12.2019 which was actually received on 13.12.2019.	11. AS per the point 2(f) of RTI Act, 2005, "information" means any material in any form including records, documents, memos, e-mails, opinions, advices, press release, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force. Hence, the requisite information does not fall under the definition of RTI Act, 2005.	11. The undersigned is agree with the CPIO. The information sought does not fall under the definition of information as defined in section 2(f) of RTI Act. The CPIO is not supposed to created information for the applicant/appellant

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 to 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 6/2  
 Superintendent of Police, HQs.,  
 -cum-Appellate Authority/HQs.,  
 Under RTI Act, U.T., Chandigarh.

Sh. Paramjit Singh,  
 Chamber No. 375, District Court Complex,  
 Sector-43, Chandigarh.

No. D- 177-80 /RTI/SP/HQs. dated Chandigarh, the: - 6.2.20

Copies to the: -

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

