

**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 16.01.2020 preferred by Sh. Rajesh Kumar Gupta, R/o # 2704, Sector 52, Chandigarh under RTI Act 2005, received in this office on 21.01.2020 through the office of SSP/Sec. & Traffic against the disposal of his RTI Application dated 06.12.19 by Nodal Officer(RTI)-cum DSP Hqrs., UT, Chandigarh.

(2) The appellant, vide his application dated 06.12.19 under RTI Act 2005, had requested CPIO/Phqrs., Sec-9, Chg to supply him some information pertaining to rules and regulations regarding three wheelers, rickshaws, bikes and mopeds etc. CPIO/Hqrs.-cum-Nodal Officer(RTI) disposed of the RTI application by transferring it to CPIO/Registering Licensing Authority, Chandigarh the same day.

(3) The appellant, not satisfied with the manner in which his application was disposed of by DSP/Hqrs.-cum-Nodal Officer(RTI), filed the instant appeal aggrieving that the information sought was related to Chandigarh Police but CPIO-cum-nodal officer of Chandigarh Police transferred the RTI application to CPIO of RLA, Chandigarh.

(4) The comments of DSPHQs.-cum-Nodal Officer (RTI) have been called for. He has reported that RTI application of Sh. Rajesh Kumar bearing regd. no. PODEP/R/ 2019/50772 dated 06.12.19 was received on the portal of Nodal Officer Module of RTI-MIS. The RTI application was transferred to Nodal Officer of other public authority i.e. Registration & Licensing Authority, UT, Chandigarh, the same day, with the remarks that matter of RTI application pertains to their office.

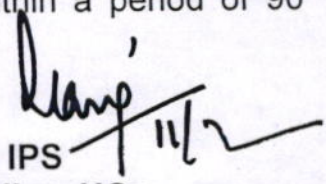
(5) I have gone through the RTI appeal, vis-a-vis facts of the RTI application & comments by DSP HQs.-cum-Nodal Officer(RTI). The information sought by the applicant, supplied by the CPIO, grievances raised in the first appeal and the order/decision of the undersigned being first appellate authority is given below:

| Information sought  | Information supplied   | Grievances raised in first appeal   | Decision of the First Appellant Authority.   |
|---|--|---|--|
| 1. Is the installation/fitting of old engines of scooter, bike and moped on three wheeler rehris/ rickshaws legal or illegal.   | The RTI application transferred to Nodal Officer (RTI) of RLA as "The matter of this RTI application pertains to your office." | The information sought by the applicant relates to Chandigarh Police and Chandigarh Traffic Police as checking of illegal vehicles, driving licences of such vehicles, checking of other documents, seizure of illegal vehicles, registration of such vehicles, pollution certificate, insurance, number plate, engine number, chassis number, tracing the stolen vehicles, registration of criminal case in case of crime or accident, tracking the criminals came | The appellant has filed the RTI appeal mainly on two grounds:<br>1. The CPIO-cum-Nodal Officer did not provide information even after expiry of 41 days.<br>2. The information was related to Chandigarh Traffic Police but the CPIO HQs.-cum-Nodal Officer has deliberately transferred the RTI application to CPIO/RLA. As far as point no. 1 is concerned, CPIO HQs.-cum-Nodal Officer is not liable to provide the information once the RTI application is transferred to the other public |
| 2. The number of such rehri/rickshaws, fitted with engines of scooter, bike and moped and plying in the area of Chandigarh may be intimated. How many of them are having registration number plate and chassis number according to these engines. |  |   |  |



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|---|--|---|---|
| 3. The number of rehri/rickshaws may be intimated which are fitted with engines of scooter, bike and moped, plying in the area of Chandigarh and are paying road tax and passing fees to RLA, having valid insurance, registration and driving licence. How many of them have passed driving test and test relating to traffic rules. |  | only under the jurisdiction of police.<br>But the CPIO of Chandigarh Police rather than providing the information refused to provide it deceptively and transferred it, misusing section 6(3), to RLA, Chandigarh under registration no. UTRCA/R/2019/80014. It can be seen as direct refusal of providing information. It is violation of rules of RTI Act 2005 and is a strong base for imposing fine and departmental action against the CPIO. The information sought by the applicant dated 06.12.19 has not been provided till 16.01.2020 whereas it should have been provided within 30 days as per provisions of RTI Act. The information has not been provided to the applicant even after time period of 41 days | authority.<br>As far as point no. 2 is concerned, the undersigned being first appellate authority is of the view that Nodal officer has done nothing wrong in transferring the RTI application to CPIO/RLA as passing of registered vehicles, making of driving licences, fixing of number plates and driving tests are related to RLA.<br><b>However, to rule out any further complications, the CPIO/HQs.-cum-Nodal Officer is directed to transfer the RTI application to DSP-cum-CPIO(Public Authority) of Chandigarh Traffic Police to supply the information to the appellant available with them on record.</b><br>The appeal is disposed of accordingly/. |
| 4. When was it enquired whether the rehri/rickshaws running on engines of scooter, bike and moped are fitted with stolen vehicle engines. The copies of enquiry report may be supplied.   |  |   |   |
| 5. Information on the rules to identify rehri/rickshaws, fitted with engines of scooter, bike and moped when involved in accident. Who is held responsible for such accidents.  |  |   |   |
| 6. In the last five years, action against how many rehri/ rickshaws, fitted with engines of scooter, bike and moped have been taken for violation of traffic rules.   |  |   |   |

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  
Superintendent of Police, HQs.,  
-cum-Appellate uthority/HQs.,  
Under RTI Act, U.T., Chandigarh.

**Sh. Rajesh Kumar Gupta,**  
R/o # 2704, Sector 52, Chandigarh

No. D- 210-12 /RTI/SP/HQs. dated Chandigarh, the: - 11.2.20

Copies to the: -

1. DSP HQs-cum-Nodal Officer for necessary action.
2. I/C Computer Section for updating the Web.