

**OFFICE OF THE SENIOR SUPERINTENDENT OF POLICE-CUM-1st APPELLATE
AUTHORITY (UNDER RTI ACT 2005), UNION TERRITORY, UTCHANDIGARH**

Appeal Order No. **D - 369-371** /UT/RTI/SSP, dated: **28.06.2019**

Name of Appellant	:	Mr. Kamata Prasad, Faridpur Atrampur Soram, Allahabad, UP
Concerned CPIO	:	CPIO/PHQ, Nodal Officer, RTI.
Date of RTI application	:	20.04.2019
CPIO reply	:	22.04.2019
Date of 1 st Appeal	:	01.06.2019

ORDER

The appellant has preferred his 1st appeal through RTI portal bearing No. PODEP/A/2019/60036 dated 01.06.2019 against CPIO/PHQ Nodal Officer, RTI in connection with his RTI application (bearing No. PODEP/R/2019/50322 dated 20.04.2019) with the contentions that requisite information was not supplied to him. The same was registered vide No. 108/UT/RTI/FAA/SSP dated 03.06.2019.

Information sought vide RTI application :

The appellant had sought information/documents on 5 different points i.e. procedure of medical examination of Rape victim, if any woman complain that she was raped 2 months ago whether FIR would be registered, how it is confirm from medical report of rape victim that rape is committed, how it can confirmed that accused had committed rape in case rape is committed 2 months ago and some rapist bailed out in 3 years and some in 6 years, why it is happened and whether rapes are different types.

Comments of CPIO/PHQ-cum-Nodal Officer, RTI:

CPIO/PHQ-cum-Nodal Officer, RTI submitted that RTI application of the appellant was received through online RTI portal bearing No. PODEP/R/2019/50322 dated 20.04.2019 and on 22.04.2019, RTI application was returned to the appellant with the remarks that information sought under RTI does not cover under the purview of RTI Act. Only such information can be supplied under the act which already exists and is held by the public authority or held under the

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control of Public Authority. The Public Information Officer is not supposed to create information or to interpret information or to solve the problems raised by the applicants or to furnish replies to hypothetical questions. As the RTI application was in question shape as well as raised queries, therefore, the same was returned to the appellant.

DECISION :

I have gone through the contents of RTI application, appeal of the appellant, comments of CPIO/PHQ-cum-Nodal Officer, RTI vis-à-vis material available on record which revealed that the appellant had sought information on 5 different points i.e. procedure of medical examination of Rape victim, if any woman complain that she was raped 2 months ago whether FIR would be registered, how it is confirm from medical report of rape victim that rape is committed, how it can confirmed that accused had committed rape in case rape is committed 2 months ago and some rapist bailed out in 3 years and some in 6 years, why it is happened and whether rapes are different types.

In reply, CPIO/PHQ-cum-Nodal Officer, RTI returned the RTI application with the remarks, the same is not covered under the purview of RTI Act.

So far as the appeal is concerned, the RTI application of the appellant has been examined in detail which revealed that appellant has sought information in questionable form (e.g. who, which and why) for seeking reply as per his speculation, convenience and requirement which are not covered under definition of 'Information' under section 2 (f) and (j) of RTI Act which is as under:-

- (f) *"information means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form".*
- (j) *"right to information" means the right to information accessible under this Act which is held by or under the control of any public authority and includes the right to (i) inspection of work, documents, records; (ii) taking notes, extracts, or certified copies of documents or records; (iii) taking certified samples of material;*

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(iv) obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device"

The bare reading of above definition of "information" categorically clarified that applicant can ask for the information which is available in any material form with the CPIO. In the present case, appellant has sought information in questionable form and on his speculation basis which is out of the purview of section 2 (f) & (j) of RTI Act.

In view of above, CPIO/PHQ-cum-Nodal Officer, RTI had rightly replied and disposed of the RTI application. With these observations, the instant appeal is filed accordingly.

In case, the appellant is not satisfied with the disposal of his appeal, as above, he can file second appeal before the Hon'ble CIC, CIC Bhawan, Baba Gangnath Marg, Munirka, New Delhi - 110067 under the RTI Act within 90 days.

28/6/2019
(Nilambari Jagadale, IPS)
Senior Superintendent of Police
Union Territory, Chandigarh-cum-
1st Appellate Authority.

1. Mr. Kamata Prasad,
Faridpur Atrampur Soram,
Allahabad, UP.
2. CPIO/PHQ-cum-Nodal Officer, RTI
- ✓ 3. Computer Section

HC Sangay
for nq
Insp.
Computer Section
do 2/7/19