

**OFFICE OF THE SENIOR SUPERINTENDENT OF POLICE-CUM-1st
APPELLATE AUTHORITY (UNDER RTI ACT 2005), UT, CHANDIGARH.**

Appeal Order No. D-470-472

/UT/RTI/SSP, dated: 17.11.2020

Name of Appellant

:

Sh. Kuldeep Kaul,
R/o #2042 Sector 15C,
Chandigarh

Concerned CPIOs

:

CPIO/Central

Date of RTI application

:

26.08.2020

Reply of CPIOs

:

19.09.2020

Date of 1st Appeal

:

19.10.2020

ORDER

The appellant has preferred his 1st appeal against the reply of CPIO/Central in connection with his RTI application with the contentions that requisite information was not supplied to him. The instant appeal was diarized vide No. 117/UT/RTI/FAA/SSP dated 19.10.2020 for further proceeding under RTI Act.

INFORMATION SOUGHT VIDE RTI APPLICATION:

The appellant had sought information on 4 points pertaining to arrest and release of Mr. Kuldeep Kaul i.e. date of arrest, bail and withdrawal of the case by the Prosecution etc.

COMMENTS OF CPIO/Central:

CPIO/Central submitted that RTI application of the appellant was received for supplying the requisite information. Thereafter, report from SHO/PS-11 was obtained and appellant was informed vide letter No. 224/RTI-20/CPIO/Central dated 19.09.2020 that requisite information cannot be provided as per section 8(3) of RTI Act as the matter was taken place/ occurred twenty years before the date of RTI request.

DECISION:


I have gone through the contents of RTI application, appeal of the appellant, comments of CPIO/Central vis-à-vis material available on record which revealed that appellant had sought information on 4 points pertaining to

arrest and release of Mr. Kuldeep Kaul i.e. date of arrest, bail and withdrawal of the case by the Prosecution etc.

On careful perusal of section 8(3), it revealed, that subject to provisions of clauses (a), (c) and (i), the exemptions defined under section 8(1) ceases to be operated after the period of 20 years on the happening / occurring of event. In the instant appeal, it is clear that appellant wants information relating to him i.e. date of arrest, judicial custody & date of release on bail etc. by Police Station Sector 11 during emergency in the year 1975. In this RTI application, CPIO/Central had wrongly applied the section 8 (3) of RTI Act.

In view of above, CPIO/Central is hereby directed to examine his record thoroughly and if available, supplying the requisite information to the appellant as per RTI Act. With these directions, the instant appeal is hereby disposed of.

In case, the appellant is not satisfied with the disposal of this appeal, 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.


(Kuldeep Singh Chahal, IPS)
Senior Superintendent of Police
Union Territory, Chandigarh-cum-
1st Appellate Authority.

1. Sh. Kuldeep Kaul,
R/o #2042 Sector 156C, Chandigarh
2. CPIO/ Central
3. Computer Section.

He Sanjay Kumar
Kuldeep
InsP
1/c Com Sec
dt-17/11/2020