



CHANDIGARH POLICE

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

Appeal Order No. D-492-494 /UT/RTI/SSP, dated : 04.12.2020

Name of Appellant : Mr. Manohar Singh
R/o B-33 Bhagwati Garden,
Uttar Nagar New Delhi.

Concerned CPIOs : CPIO/PHQ

Date of RTI application : 24.08.2020

Date of CPIO's Reply : 12.10.2020

Date of 1st Appeal : 07.11.2020

ORDER

The appellant has preferred his 1st appeal against the reply of CPIO/PHQ in connection with his RTI application with the contentions that requisite information was not supplied to him. The instant appeal was diarized vide No. 124/UT/RTI/FAA/SSP dated 07.11.2020 for further proceeding under RTI Act.

INFORMATION SOUGHT VIDE RTI APPLICATION:-

The appellant has sought information on 3 points pertaining to his complaint dated 17.10.2018 i.e. copy of Action taken report, reasons for not registering FIR and its delay. Further, he also raised objection that CPIO had unfairly overcharged additional fee from him.

COMMENTS OF CPIO/PHQ:-

Comments of CPIO/PHQ have been obtained who submitted that RTI application of the appellant was received for obtaining requisite information. Thereafter, RTI was transferred to CPIO/Central who informed that complaint in question 2018-17850 was consigned after competition of enquiry. Accordingly, after obtaining the said complaint file from I/C HAC, appellant was asked to deposit Rs. 160/- for 49 pages and postal charges. Appellant had deposited the said amount and requisite information was supplied vide No. 510/DSP/Hqrs/RTI-2020, D-866 dated 12.10.2020.

DECISION:-

I have carefully gone through the contents of RTI application & appeal of the appellant, comments of CPIO/PHQ vis-à-vis material available on record which revealed that appellant has sought information 3 points pertaining to his complaint dated 17.10.2018 i.e. copy of Action taken report, reasons for not registering FIR and its delay. Further, he also raised objection that CPIO had unfairly overcharged additional fee from him.

So far as the appeal is concerned, it is clear from the contents of RTI application of point No. 6(b)&(c) that appellant has sought clarification/justification as he wants information in question form and reasons which is not covered under the definition of 'Information' defined in section 2 (f) and (j) of RTI Act which is reiterated as under for more clarity:-

- (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...."

The bare reading of above definition of 'information' categorically clarified that applicant can seek only such information which is available in any material form with the CPIO. Hence, the information sought is out of the purview of RTI Act and CPIO/PHQ had rightly applied section 2(f) & (j) of RTI Act.

As far as point No. 6 (a) is concerned, it is clear that requisite information has already been supplied to him and no further intervention is required on this point.

Moreover, appellant has also raised his objection regarding unfairly charged Rs. 160/- as additional fee for 49 pages and it should be charged Rs. 2 per page. In this regard, it is found that CPIO/PHQ has appropriately charged aforesaid additional fee (49x2 = 98 plus 72 postal charges total 170 and additional fee Rs. 160) as per rule 4 (a) & (g) of the Right to Information Rules, 2012.

Hence, no more action is required to be taken in the instant appeal and the same 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. Mr. Manohar Singh
R/o B-33 Bhagwati Garden,
Uttar Nagar New Delhi.
2. CPIO/PHQ
3. Computer Section