

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

Appeal Order No. D-562-565

/UT/RTI/SSP, dated : 19.09.2019

Name of Appellant	:	Mr. Ashok Khemka, # 1370 Sector 19B Chandigarh.
Concerned CPIOs	:	CPIO/PHQ & Central
Date of RTI application	:	09.08.2019
Reply of CPIO	:	28.08.2019
Date of 1 st Appeal	:	31.08.2019

ORDER

The appellant has preferred his 1st appeal through online RTI portal bearing No. PODEP/A/2019/60064 dated 31.08.2019 against the reply/order of CPIO/PHQ & Central in connection with his online RTI application bearing No. PODEP/R/2019/50561 dated 09.08.2019 with the contentions that requisite information was not supplied to him. The instant appeal was diarized vide No. 160/UT/RTI/FAA/SSP dated 02.09.2019 for further proceeding under RTI Act.

Information sought vide RTI application:

The appellant had sought information on 5 points with regard to his complaints dated 26.04.2018, 28.09.2018, 10.01.2019 and bearing PW No. 2018-14761 dated 06.09.2018 etc.

Comments of CPIO/PHQ

CPIO/PHQ submitted that RTI application of the appellant was received through online RTI portal for supplying of requisite information. Thereafter report from I/C Public Widow was obtained w.r.t. point Nos 1, 2 & 4 who reported that 2 complaints made by Sh. Ashok Khemka i.e. 2018-06514 & 2019-01528 were received, out of which complaint No. 2018-06514 is consigned with HAC branch and complaint No. 2019-01528 is under enquiry with SDPO/Central. Apart from this, complaint No. 2018-14761 of the appellant was also consigned with HAC Branch. Hence, relevant complaint files were obtained from I/C HAC and information containing 8 pages were supplied to the appellant vide No. 321/DSP/Hqrs./Online RTI-19, D-402 dated 28.08.2019. Moreover, RTI application with regard to complaint No. 2019-01528 and with regard to part

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information of point Nos. 1, 2, 4 & 5 was transferred to CPIO/Central for further action on their end.

Comments of CPIO/Central:

CPIO/Central submitted that RTI application of the appellant was received from CPIO/PHQ for supplying the requisite information to the appellant. After obtaining the report from SHO/PS-17, point wise reply was supplied to the appellant vide letter No. 407/RTI-19/CPIO-Central/UT dated 3.09.2019 by post.

Decision :

I have gone through the contents of RTI application, appeal of the appellant, comments of CPIO/PHQ & Central vis-à-vis material available on record which revealed that the appellant had sought information on 5 points with regard to his complaints dated 26.04.2018, 28.09.2018, 10.01.2019 and PW No. 2018-14761 dated 06.09.2018 etc.

In reply, CPIO/PHQ supplied the documents containing 8 pages with regard to complaint Nos. 2018-06514 & 2018-14761 to the applicant. RTI application with regard to point Nos. 1, 2, 4 & 5 were transferred to CPIO/Central.

CPIO/Central also supplied point-wise reply/information of point nos. 1, 2, 4 & 5 to the appellant i.e. no FIR was registered on complaint dated 26.04.2019 (bearing no. 2018-06514), enquiry reports of complaints bearing nos. 2018-06514 and 2018-18598 were supplied etc.

So far as the appeal is concerned, requisite information on point no. 1 to 3 and part information of point no. 4 i.e. enquiry reports of complaint nos. 2018-06514, 2018-14761 & 2018-18598 have already been furnished to the appellant by CPIO/PHQ and CPIO/Central. However, information pertaining to complaint bearing no. 2019-01528 could not be supplied to the appellant earlier as the same was under enquiry at that time. As per present status, the same is still under enquiry. Yet, for the satisfaction of the appellant, CPIO/Central is hereby directed to supply the information pertaining to complaint bearing no. 2019-01528 to the appellant as per RTI act as and when the same is consigned to record after completion of enquiry.

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However, with regard to point No. 5, appellant has sought such information which is not covered under the 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; (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 seek only such information which is available in any material form with the CPIO. Hence, the information sought for by the appellant is out of the purview of RTI Act.

With the aforementioned observation, the instant appeal is hereby disposed of accordingly.

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

17/19/2019.
(Nilambari Jagadale, IPS)
Senior Superintendent of Police
Union Territory, Chandigarh-cum-
1st Appellate Authority.

1. Mr. Ashok Khemka,
1370, Sector 19B Chandigarh.
2. CPIO/PHQ
3. CPIO/Central
4. Computer Section

Seen HC Sanjay Kumar
For MIA
Insp/Kumar