



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

Appeal Order No. **D - 331 - 333** /UT/RTI/SSP, dated : **21-09-2022**

Name of Appellant : Sh. Ajay Kumar,
R/o H. No. 5067, GF, Sector 38 West, Chandigarh

Concerned CPIOs : CPIO/PCR

Date of RTI : 17.06.2022,

Date of CPIO's Reply : 08.07.2022

Date of 1st Appeal : 04.08.2022, transferred by FAA/Commn.-cum-
SSP/HQ on 18.08.2022.

ORDER

The appellant has preferred his 1st appeal through online RTI portal vide No. PODEP/A/E/22/00090 dated 04.08.2022, (transferred to this office by FAA/Commn.-cum-SSP/HQ on 18.08.2022) against the reply/order of CPIO/PCR in connection with point no. 02 of his online RTI application bearing No. PODEP/R/E/22/00457/1 dated 17.06.2022 with the contention that he has been provided with incomplete and false information. Point no. 01 of RTI application was replied by CPIO/Communication and thereafter, 1st appeal in this regard was dealt by FAA/Commn.-cum-SSP/HQ.

INFORMATION SOUGHT IN RTI APPLICATION :-

The appellant vide his RTI application dated 17.06.2022 had sought information on 2 points regarding calling of PCR vehicle on dated 08.05.2022 at 03:30 PM at his flat no. 5067, GF, Sector 38 West, Chandigarh.

COMMENTS OF CPIO/PCR: -

Comments of CPIO/PCR have been obtained who submitted that RTI application of the appellant was received in his office through online RTI portal vide No. PODEP/R/E/22/00457/1 dated 17.06.2022 to supply the information regarding calling of PCR vehicle on dated 08.05.2022 at 03:30 PM at his flat no. 5067, GF, Sector 38 West, Chandigarh. Thereafter, requisite information was obtained from Insp. (Admn.) PCR Chandigarh and the same was supplied to the applicant vide letter No. RTI-08/DSP/PCR/UT dated 08.07.2022. As far as information on point No. 02 is concerned, it was intimated that "as confirmed from the I/C PCR vehicle Sugar-27, those persons shown in CCTV footage alongwith PCR vehicle staff were labour persons." As far as the appeal is concerned, CPIO/PCR further enquired the matter and submitted fresh comments into the appeal.

DECISION:-

I have gone through the contents of RTI application, appeal of the appellant, comments of CPIO/PCR vis-à-vis material available on record which revealed that information with regard to point no. 01 of RTI application has already been supplied by CPIO/Communication and appeal in this regard, has been dealt by FAA/Commn.-cum-SSP/Hqrs. With regard to point no. 02 of RTI application which was replied by CPIO/PCR, instant appeal was transferred to this office by FAA/Commn.-cum-SSP/Hqrs.

So far as the instant appeal with regard to point no. 02 of RTI application is concerned, appellant has sought requisite information by providing photographs in RTI application and CCTV footage directly provided to CPIO, upon which CPIO/PCR has generated/created the information by enquiring the matter from the police officials and then replied the queries of appellant which was not required to be done under RTI Act. As per the provisions of section 2 (f) & (j) of RTI Act the CPIO has to furnish the available information to applicant. Moreover, for more clarity section 2 (f) & (j) RTI Act is reiterated below:-

- (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....."*

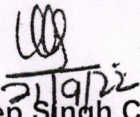
Moreover, Hon'ble Central Information Commission, New Delhi in Complaint No.CIC/RBIND/C/2020/664244 titled as "Shishir Gupta Vs. Reserve Bank of India categorically explained as under:-

"The CPIO cannot create information in the manner as sought by the applicant. The CPIO is only a communicator of information based on the records held in the office and hence, he cannot expected to do research work to deduce anything from the material therein and then supply it to him".

In view of above, it is ostensibly clear that requisite information of point No. 2 is out of the purview of RTI Act as appellant has expected that the CPIO firstly should analyze/ examine the photographs/CCTV footage provided by him and then provide information as per his requirement/ wish whereas as per the provisions of RTI Act elaborated above, CPIO is not supposed to create information or to interpret information or to furnish clarification to the appellant after conducting an enquiry. However, CPIO is only bound to provide the available information on record of the public authority. The appellant has used the RTI platform for redressal of his grievance, whereas RTI act is an information providing mechanism not grievance redressal forum, accordingly, appellant is advised to approach appropriate platform for redressal of his grievances. Hence, instant appeal is not maintainable and rejected accordingly.

CPIO/PCR is hereby directed to remain careful in future while deciding such type of hypothetical queries raised in RTI applications and follow the provisions of RTI Act in its letter & spirit.

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

Sh. Ajay Kumar,
R/o H. No. 5067, GF, Sector-38 West,
Chandigarh

Copies to:-

- 1 CPIO/PCR
- 2 Computer Section.