



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

Appeal Order No. **D-39-41**

/UT/RTI/SSP, dated: **23/01/2023.**

Name of Appellant :

Ms. Sonia Sharma
R/o H. No. 3207, Sector 46-C,
Chandigarh

Concerned CPIO :

CPIO/Hqrs

Date of RTI application :

27.12.2022

Reply of CPIO :

03.01.2023

Date of 1st Appeal :

03.01.2023

ORDER

The appellant has preferred 1st appeal through online RTI portal vide No. PODEP/A/E/23/00001 dated 03.01.2023 against the disposal of her RTI application bearing No. PODEP/R/E/22/01023 dated 27.12.2022 on the ground that access to the information requested has been refused to her.

Information sought vide RTI application :-

The appellant vide her online RTI application No. PODEP/R/E/22/01023 dated 27.12.2022 had sought information in continuation to her earlier filed RTI application bearing No. PODEP/R/T/22/00052 dated 17.11.2022 which was pending with Police Headquarters. Vide her RTI application dated 17.11.2022 she had sought information on 7 points concerning to complaint No.570975 dated 11.05.2022. Appellant filed RTI application dated 27.12.2022 for seeking information on point No. 2,6 and 7 of RTI application dated 17.11.2022 i.e. Name and belt number of officer against whom investigation conducted, copy of original documents recovered by Chandigarh police i.e. stamp papers, bonds etc. and date on which investigation officer closed the complaint No. 2022-09878 and returned file to DSP/PCC.

COMMENTS OF CPIO/HQRS :-

CPIO/Hqrs vide his comments submitted that RTI application of the appellant was received in his office through online RTI portal vide No. PODEP/R/T/22/00052 dated 17.11.2022 and PODEP/R/E/22/01023 dated 27.12.2022 to supply the information on 7 points concerning to enquiry on complaints bearing Nos.PW-202209878, PW-202210413 and PW-202210894. As the matter found related to DSP/PCC, so report from DSP/PCC was sought who reported that all these 3 complaints have been filed and consigned to record in HAC branch. Accordingly, after obtaining relevant files from HAC Branch,PHQ, appellant was requested vide letter No. 725 & 744/CPIO/Hqrs/RTI-22,D-1093 dated 06.12.2022 to visit office of CPIO/Hqrs on any working day and collect the requisite information after inspecting the files as relevant files were huge in record but she did not turn up. After waiting for a long time, RTI application of the was disposed of vide letter No. 335/CPIO/Hqrs/Online RTI-22, D-01 dated 02.01.2023 and appellant was apprised accordingly.

CPIO/Hqrs further intimated that earlier also information pertaining to these complaints have been supplied to the appellant vide letter No. 327/CPIO/Hqrs/Online RTI-22, dated 16/11/2022 in the shape of thirty five (35) pages and one DVD after inspecting the files thoroughly by her.

Personal Hearing :-

Personal hearing in the matter was conducted in the office of the undersigned on 17.01.2023 which was attended by appellant as well as CPIO/Hqrs. The matter was discussed in detail and both parties were heard adequately.

DECISION:-

I have gone through the contents of RTI application, appeal of the appellant, comments of CPIO/Hqrs and version of both parties heard during personal hearing vis-à-vis material available on record and found that CPIO/Hqrs after obtaining relevant files from HAC branch, requested the appellant vide letter dated 06.12.2022 to visit his office on any working day and collect the requisite information after inspecting the files as relevant files were huge in record. But appellant did not turn up to collect the same and after waiting for a long, her RTI application was disposed of by CPIO/Hqrs after informing her through letter No. 335/CPIO/Hqrs/Online RTI-22, D-01 dated 02.01.2023. Moreover, information pertaining to these complaints was earlier supplied to the appellant vide letter No. 327/CPIO/Hqrs/Online RTI-22, dated 16/11/2022 in the shape of thirty five (35) pages and one DVD after inspecting the files thoroughly by her.

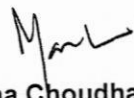
So far as the issue of providing information for specific questions available from record is concerned (as raised by the appellant in her instant appeal), these questions are not require to be answered as per RTI act. As per the provisions of section 2 (f) of RTI Act the CPIO has to furnish the available information to applicant. 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 apparently clear that ample opportunity was given to the appellant by CPIO/Hqrs to inspect the relevant files and obtain the requisite information as per her satisfaction. Moreover information pertaining to the same complaints have already been supplied earlier to the appellant in the shape of 35 pages and one DVD.

However, to uphold the spirit the of RTI Act and in the interest of natural justice as well as for the satisfaction of the appellant, CPIO/Hqrs is directed to call the appellant in his office again, offer inspection of relevant files and supply the available information to her, as per RTI Act.

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


(Manisha Choudhary, IPS)
Senior Superintendent of Police
Union Territory, Chandigarh-cum-
1st Appellate Authority.

Ms. Sonia Sharma
R/o H. No. 3207, Sector 46-C,
Chandigarh

Copies to:-

- 1 CPIO/Hqrs
- 2 Computer Section.