



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

Appeal Order No **9-274-276** /UT/RTI/SSP, dated : **02/08/2022**

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

Concerned CPIOs : CPIO/South-West

Date of RTI application : 04.06.2022

Date of CPIO's Reply : 17.06.2022

Date of two 1st Appeals : 29.06.2022

ORDER

The appellant has preferred two separate 1st appeals through online RTI portal vide nos. PODEP/A/E/22/00078 dated 29.06.2022 & PODEP/A/E/22/00079 dated 29.06.2022 against the disposal of single RTI application bearing nos. PODEP/R/E/22/00409 & 409/1 dated 04.06.2022. The 1st appeal bearing no. PODEP/A/E/22/00079 dated 29.06.2022 was addressed to the undersigned against the reply of CPIO/South-West which was diarized vide this office no. 72/UT/RTI/SSP dated 29.06.2022 whereas other appeal bearing no. PODEP/A/E/22/00078 dated 29.06.2022 was addressed to SSP/Hqrs-cum-FAA-Comm. against the reply of CPIO/Communication which was later on transferred to the undersigned with regard to information pertaining to point no. 03 of RTI application which was diarized this office no. 79/UT/RTI/SSP dated 20.07.2022.

INFORMATION SOUGHT IN RTI APPLICATION :-

The appellant vide his RTI application dated 04.06.2022 had sought information on 03 points regarding calling of PCR vehicle at his residence on dated 30.05.2022 at 11:20 PM i.e. Name and contact details of the caller, Dropping point of PCR and action taken on the person giving wrong information to PCR.

COMMENTS OF CPIO/South-West :-

Comments of CPIO/South-West have been obtained who submitted that RTI application of the appellant was received in his office from CPIO/Communication on 06.06.2022 through online RTI portal to supply the part information pertaining to point no. 03 of RTI application dated 04.06.2022. The requisite information was obtained from SHO PS Maloya and conveyed to the appellant vide letter no. 87/RTI/CPIO/South-West dated 16.06.2022. So far as the instant appeal is concerned, he submitted that the RTI act does not cast on the public authority any obligation to answer queries, in which a petitioner attempt to elicit answers to the questions with prefixes such as why, what, when & whether. The petitioner's right extends only to seek information as defined in section 2 (f) either by pinpointing the file, documents, papers or records etc. or by mentioning the type of information as may be available with the specified public authority. However, appellant was also informed that if such matter comes on record, the same is to be dealt as per law.

DECISION :-

I have gone through the contents of RTI application, appeal of the appellant, comments of CPIO/South-West vis-à-vis material available on record which revealed that two 1st appeals as described above, received in the office of the undersigned on the same matter and are being decided collectively against the information provided by CPIO/South-West on point no. 03 of RTI application. The appellant vide point no. 03 of RTI application sought "*what action will be taken against the person calling the PCR by providing wrong information*" which was wrongly replied by CPIO/South-West by saying that "*no such incident reported so far in PS Maloya, however such calls/matters subject to gravity of incident and dealt as per law*".

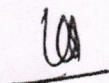
So far as the comments submitted by CPIO/South-West with regard to instant 1st appeals, are concerned, he rightly submitted that the RTI act does not cast on the public authority any obligation to answer queries, in which a petitioner attempt to elicit answers to the questions with prefixes such as why, what, when & whether. The petitioner's right extends only to seek information as defined in section 2 (f) either by pinpointing the file, documents, papers or records etc. or by mentioning the type of information as may be available with the specified public authority.

Moreover, the bare reading of the definition of '*information*' as per section 2 (f) & (j) it is categorically clarified that applicant can seek only such information which is available in any material form with the CPIO 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...."

So, the information sought is out of the purview of RTI Act. Hence, no more action is warranted on both the appeals and the same are hereby rejected. However, CPIO/South-West is directed to dispose of the RTI applications properly, as per provisions of RTI act, 2005. The instant appeals stands disposed off accordingly.

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

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Copies to:-