



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

Appeal Order No. **D-221-223** /UT/RTI/SSP, dated : **19/06/2023.**

Name of Appellant : Jairoop Riar,
R/o H. No. 1815, Sector 34 D, Chandigarh

Concerned CPIO : CPIO/South-West

Date of RTI application : 23.02.2023

Reply of CPIO : 23.03.2023

Date of 1st Appeal : 28.03.2023

ORDER

The appellant has preferred his/her online 1st appeal bearing No. PODEP/A/E/23/00029 dated 28.03.2023 against the disposal of his/her online RTI application bearing No. PODEP/R/E/23/00153 dated 23.02.2023 by CPIO/South-West with the contentions that information pertaining to point nos. 1, 2, 10 & 12 be provided to him/her and transfer the RTI application to other Public Authority with regard to point nos. 3, 4, 5 & 11 etc.

Information sought vide RTI application :-

The appellant vide his/her RTI application bearing No. PODEP/R/E/23/00153 dated 23.02.2023 had sought information on 12 points pertaining to a DDR No. 66 dated 29.12.2022 lodged at PS Maloya, Chandigarh i.e. office location, contact number and other details of Head of the Department of "Animal Welfare Department", certified copies of all correspondences made between PS Maloya and "Animal Welfare Department", detail procedure followed by "Animal Welfare Department" during the seizure of substances/drugs, list of Acts/Rules/Orders which give power to "Animal Welfare Department" to take action in cognizable offence, list of Acts/Rules/Orders which give power to "Animal Welfare Department" to conduct seizure of substances/drugs, detail steps taken by applicant/citizens when witnessing an offence u/s 12 of Prevention of Cruelty Act, 1960, detail steps taken by applicant/citizens when witnessing an offence u/s 11 of Prevention of Cruelty Act, 1960, list of all relevant provisions of CrPC that deal with/empower the "Animal Welfare Department", total number of cases/complaints referred to "Animal Welfare Department" by PS Maloya from 01.01.2019 to 20.02.2023, list of kinds of violations/offences which recommended/referred to "Animal Welfare Department" by PS Maloya, appeal procedure if the relief is not provided by "Animal Welfare Department" and list of all documents, evidences including form required for registration of FIR u/s 12 of Prevention of Cruelty Act, 1960 when such offence witnessed etc.

COMMENTS OF CPIO/South-West :-

CPIO/South-West vide his comments submitted that RTI application of the appellant was received in his office thorough online RTI Portal vide No. PODEP/R/E/23/00153 dated 23.02.2023. Thereafter, requisite information was obtained from SHO PS Maloya and the same was provided to the appellant vide letter No. 41-RTI/CPIO/South-West dated 22.03.2023 which is as under :

W.r.t. Point Nos. 1 & 2 : In the attached General Diary, it is clearly mentioned that applicant should approach "Animal Welfare Board" for the redressal of his/her grievances and no correspondence/communication was made by PS Maloya with "Animal Welfare Board" in this regard.

W.r.t. Point Nos. 3, 4, 5 & 11 : Sought information not relates to this Sub Division.

W.r.t. Point Nos. 6, 7, 8 & 12 : Sought information is not as per provision of section 2(f) of RTI act (definition of "information") hence, the same could not be supplied.

W.r.t. Point Nos. 9 & 10 : No case/complaint has been referred to "Animal Welfare Department" by PS Maloya from 01.01.2019 to 20.02.2023.

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 the appellant had sought information on 12 points pertaining to a DDR No. 66 dated 29.12.2022 lodged at PS Maloya, Chandigarh.

In reply, CPIO/South-West had supplied the aforementioned available information at his disposal to the appellant.

So far as the appeal is concerned, the appellant is not satisfied with the reply of the CPIO/South-West and sought information for point Nos. 1, 2, 10 & 12. In this regard, it is intimated that information regarding the office location, contact number, details of Head of "Animal Welfare Department" primarily concerned with that department and with respect to point No. 2 it has already been intimated that no correspondence/communication was made by PS Maloya with "Animal Welfare Board/Department", with regard to point no. 10 i.e. list of kinds of violations/offences which recommended/referred to "Animal Welfare Department" by PS Maloya, it is intimated that reply of both point nos. 9 & 10 is same i.e. No case/complaint has been referred to "Animal Welfare Department" by PS Maloya from 01.01.2019 to 20.02.2023 and with regard to point no. 12 i.e. list of all documents, evidences including form required for registration of FIR u/s 12 of Prevention of Cruelty Act, 1960 when such offence witnessed, the information cannot be supplied as the same is academic in nature

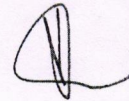
which is easily accessible and available at appropriate legal platform/websites/domain and the appellant sought the requirements/eligibilities for registration of FIR under a specific Act.

Moreover, with respect to point nos. 3, 4, 5 & 11, Nodal Officer (RTI)-cum-CPIO/Hqrs or CPIO/South-West should have transferred the RTI application to the concerned department (Animal Welfare Department). And information sought vide point nos. 6, 7, 8 & 12 which cannot be supplied as the same is academic in nature which can be easily accessible or available at appropriate legal platform/websites/domain and the appellant sought the requirements for registration of FIR under a specific Act.

In view of above, it is clearly evident that available information has already been supplied to the appellant and for remaining information and grievances, she/he should approach the concerned department or appropriate competent authority. Under RTI Act, information cannot be created according the whims or assumptions of the applicant.

However, CPIO/South-West is hereby directed to immediately transfer the RTI application to the Public Information Officer of concerned department and further directed to be remain careful while disposing off the RTI applications. With these observations, the appeal stands disposed off as far as the office of the undersigned is concerned.

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.



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

Jairoop Riar,
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Copies to :-

- 1 CPIO/South-West
- ✓ 2 Computer Section.