



CHANDIGARH POLICE

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

Appeal Order No. **D-27-29** /UT/RTI/SSP, dated: **12-01-2023**
Name of Appellant : Col Mohnesh Singh
R/o H. No. 1163, Sector 34-C,
Chandigarh.
Concerned CPIO : CPIO/South
Date of RTI application : 08.11.2022
Reply of CPIO on : 01.12.2022
Date of 1st Appeal : 09.12.2022

ORDER

The appellant has preferred 1st appeal through online RTI portal vide No. PODEP/A/E/22/00147 dated 09.12.2022 against the disposal of his RTI application bearing No. PODEP/R/E/22/00889 dated 08.11.2022 with the arguments that incomplete, misleading and false information has been provided to him.

Information sought vide RTI application :

The appellant vide his RTI application dated 08.11.2022 had sought information on 11 points (in question form) pertaining to e mail sent by him on the official e mail of DGP/UT on dated 26.10.2022 followed by Registered Post dated 28.10.2022 for seeking personal attention of DGP/UT for no action by lower police authorities on numerous complaints and physical submission of same complaint vide reference No. ICMS/2022/011664 dated 18.10.2022 at Public Window PHQ Sector 9 Chandigarh.

Comments of CPIO/South:-

CPIO/South vide his comments submitted that RTI application of the appellant was received in his office through online RTI portal vide No. PODEP/R/E/22/00889 dated 08.11.2022. Thereafter, requisite information was sought from SHO PS Sector 34, Chandigarh who supplied the point wise information/reply which was further sent to the applicant on 01/12/2022 vide letter No. 352/CPIO/South, dated 30.11.2022. It was replied on point Nos. 3,4,5,9,10 and 11 of RTI Application that information sought was in question form which does not cover under the purview of section 2(f) of RTI Act. Point Nos. 1 and 6 was replied as "point not related " whereas available information was supplied/conveyed with regard to point Nos. 2,7 and 8 of RTI application of the appellant.

Decision :-

I have gone through the contents of RTI application, appeal of the appellant, comments of CPIO/South vis-à-vis material available on record which revealed that appellant vide his RTI application dated 08.11.2022 had sought information on 11 points on action taken on his e mail sent to W/DGP/UT on 26.10.2022 and physical complaint submitted by him vide ICMS No. ICMS/2022/011664 dated 18.10.2022. All these points were in question form and Interrogative queries do not come under the ambit of RTI Act.

In Dr.Celsa Pinto Vs. Goa State Information Commission (W.P.No.419 of 2007), the High Court of Bombay, in its order dated 03.04.2008, categorically explained that :-

"The definition (of information) cannot include within its fold answers to the question "why" which would be the same thing as asking the reason for a justification for a particular thing. The Public Information Authorities cannot expect to communicate to the citizen the reason why a certain thing was done or not done in the sense of a justification because the citizen makes a requisition about information. Justifications are matter within the domain of adjudicating authorities and cannot properly be classified as information."

As per the provisions of section 2 (f) of RTI Act the CPIO has to furnish the available information to applicant. Moreover, for more clarity section 2 (f) 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".*

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".

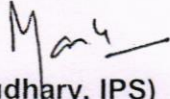
In the instant case CPIO/South rather replying as "Point not related" on point Nos.1 and 6 of RTI application, should have transferred the RTI application of the appellant to the CPIO/concerned with regard to these points. Therefore, CPIO/South is directed that in future,

while dealing RTI applications, examine its contents minutely and then transfer the same to the CPIO(s) concerned, if needed, for its proper disposal.

So far as the grievances of the appellant are concerned, the entire issue encircled around the prompt enquiry into complaint No. ICMS/2022/011664 dated 18.10.2022 filed by the appellant which is under enquiry with SHO-PS 34. Henceforth, SDPO-cum-CPIO/SOUTH is directed to ensure that enquiry into this complaint is completed expeditiously as per law. Further he is also directed to call the appellant in his office, apprise him about the latest status on the enquiry of this complaint and supply the other requisite information to the appellant as and when enquiry into this complaint is finalized, as per provisions under RTI act. Compliance report be submitted to this office accordingly.

With these directions, instant appeal stands disposed off accordingly.

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.


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

Col Mohnesh Singh
R/o H. No. 1163, Sector 34-C,
Chandigarh

Copies to :-

- 1 CPIO/South
- 2 Computer Section.