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RTI cell

16.08.2017

To,
The Joint Commissioner of Police,
Special Police Unit for Women and Children,
Police station, Malviya Nagar, Delhi -110017
First Appellant Authority under RTI ACT 2005,

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21-8-17

From:
Mr. Sunita Gupta
16/15 Alipur Road
Civil Lines, Delhi-110054
Mobile: 9810170293

App. 34/2017
22-8-17

Total: 6 Pages (Including this one)

Dear Sir,

SUB: First Appeal under Sec 19(1) of the RTI Act 2005

I, Mrs. Sunita Gupta, a citizen of India, would like to make a **FIRST APPEAL** under **Sec 19(1) of the RTI Act 2005**.

I had applied to the Deputy Commissioner of Police, Delhi Police Headquarters, Delhi for certain information, under the RTI Act 2005, as per my application dated 29.06.2017. The application was accompanied by an IPO of Rs. 10.00 (No. 222278), as payment for application fees.

The RTI application was sent by Speed Post vide Speed Post Receipt No. ED300148279IN. The application was transferred to the PIO, SPUWAC via letter ID No. XXIV/29/Spl/ID-3506/2017/. Kindly find the same attached here.

A copy of the said application and the proof of payment along with the postal receipt is attached herewith as **ANNEXURE - I (Total 2 pages)**

Scp/spuwa

A copy of the Reply received from the ACP (PIO), Police Headquarters, New Delhi is attached as **ANNEXURE- II (1 page)**

Scp

A copy of the Reply received from the Dy. Commissioner of Police (PIO), SPUWAC, New Delhi is attached as **ANNEXURE- III (1 page)**

Scp/spuwa

GROUND FOR FIRST APPEAL:

21/8/17

The PIO had refused to divulge the requested information in the RTI on the pretext that the information sought is in the nature of query, which does not come under the purview of definition of 'information' as per Section 2(F) of the RTI ACT, 2005.

I would also like to state that as the preambular paragraphs of the RTI act , our democracy requires an informed citizenry and transparency of information which are vital to its functioning and also to contain corruption and to hold Governments and their instrumentalities accountable to the governed.

As per the provisions of section 4 (1) (b) of the RTI Act, every public authority has to disclose/publish all the rules, regulations, instructions, manuals and records, held by it or under its control or used by its employees for discharging its functions. The RTI Act further makes it mandatory that the procedure followed in the decision making process, including channels of supervision and accountability should also be disclosed.

Sir, I would like to bring to your notice that the information sought can easily be procured from the rules, regulations, instructions, manuals and records that are used by investigating agency/ CAW Cell for the investigation of crimes reported under Section 498A/406 of IPC and the Dowry Prohibition Act 1961. The information sought by me are regarding the procedure followed in the decision making process. All this information should already have been published by your office, but since it is not you may disclose the same through my RTI Application.

Section 4 (1) (d) of the RTI Act, makes it mandatory that every public authority should provide reasons for its administrative or quasi-judicial decisions to affected persons.

Since, **NO Satisfactory Reply** has been received from the PIO to my RTI Application, this First Appeal is made under Section 19(1) of the RTI Act 2005.

MY "PRAYER/PLEA" IN THIS FIRST APPEAL:

1. Instruct the PIO, in writing, to give complete information as requested in my above mentioned RTI Application.
2. Issue a written warning to the PIO, under the present Rules and Regulations of Service, instructing him that he should adhere to the time limits specified in the RTI Act 2005 as well as respect the RTI Act in its letter and spirit.
3. Inform the concerned PIO that the appellant will move a Second Appeal before the SIC/CIC under Section 19(3) and will demand imposition of Penalty under Section 20 of the RTI Act, at the rate of Rs. 250.00 for every day of delay (subject to a maximum of Rs. 25,000.00) from the date the information was due (29.06.2017) till the date the information is actually given to me.
4. As per Sec 19(5) of the RTI Act 2005, during the appeal proceedings, the PIO, should be asked to explain his "deemed" denial of request for information, since the onus to prove that the denial of request was justified, is on the PIO.
5. I would like to be present during this hearing of First Appeal under the RTI Act 2005. Kindly therefore, inform me in advance about the date, time and venue of the First Hearing scheduled by you, so as to enable me to attend the same.

It is therefore **obligatory and mandatory** for you to conduct a proper hearing for this First Appeal, which should be preceded by a **proper Notice of Hearing** to me.

Thanking You,

Sunita Gupta

Sunita Gupta

Mobile: 9810170293

16/15 Alipur Road,

Civil Lines, Delhi -110054

Encl: RTI Application, Speed Post Receipt, IPO Copy, Reply Received – 4 Pages