

**OFFICE OF THE
FIRST APPELLATE AUTHORITY-CUM-
SUPERINTENDENT OF POLICE (CRIME), CID,
HIMACHAL PRADESH, SHIMLA-171002.**

No. CID/Crime/RTI/Appeal/Dev Ashish/2023-(06)-

Dated

Appellant: Dev Ashish Bhattacharya, B-5, Pocket-7, Block-54, Kendriya Vihar-II, Sector-82, Noida, UP-201304.

Vs.

Public Information Officer: The Public Information Officer-cum- Addl. Superintendent of Police, (SCRB), H.P., Shimla-171002.

"ORDER"

This appeal has been preferred by Dev Ashish Bhattacharya, B-5, Pocket-7, Block-54, Kendriya Vihar-II, Sector-82, Noida, UP-201304 (hereinafter called 'the Appellant') on the grounds that the Public Information Officer-cum-Addl. Superintendent of Police (SCRB), CID, Shimla, has not provided the information sought by him under Right to Information Act, 2005. This is 1st appeal, filed by the appellant received to undersigned on 14-11-2023.

It is submitted that Public Information Officer-cum-Addl. Superintendent of Police (SCRB), CID, Shimla, had received an application of Dev Ashish Bhattacharya, B-5, Pocket-7, Block-54, Kendriya Vihar-II, Sector-82, Noida, UP-201304 under Right to Information Act, 2005 on 02-09-2023 for providing information. It was found that the information as desired by the applicant was pertaining to the Superintendent of Police (Security), CID, Himachal Pradesh, Shimla-9. The Superintendent of Police (Security) in his reply vide office letter No. S-RTI/Sec./2023-45309 dated 06-09-2023 stated that the information sought under the RTI Act can not be provided to the applicant in view of HP Govt. Notification No. Per (AR) F (7) 2/98-Vol.1 dated 21-01-2006 and corrigendum issued vide letter No. Per (AR) F (7) 2/98-Vol.1 dated 02-02-2006 which states that the State CID (Intelligence & Security Wings) has been excluded from the ambit of the RTI Act, 2005 in exercise of the powers conferred under sub-section (4) of Section 24 of the RTI Act, 2005 by the Government of Himachal Pradesh.

In this regard, the sub-section (4) of Section 24 of RTI Act, 2005 reads thus:-

(4) Nothing contained in this Act shall apply to such intelligence and security organization being organizations established by the State Government, as that Government may, from time to time, by notification in the Official Gazette, specify:

Provided that the information pertaining to the allegations of corruption and human rights violations shall not be excluded under this sub-section:

Provided further that in the case of information sought for is in respect of allegations of violation of human rights, the information shall only be provided after the approval of the State Information Commission and, notwithstanding anything contained in section 7, such information shall be provided within forty-five days from the receipt of request.

The appellant feeling aggrieved that no information was provided by Public Information Officer-cum-Addl. Superintendent of Police (SCRB), CID, Himachal Pradesh, Shimla, therefore, preferred first appeal.

The hearing of appeal was fixed on 23-11-2023 and the appellant i.e. Sh. Dev Ashish Bhattacharya, B-5, Pocket-7, Block-54, Kendriya Vihar-II, Sector-82, Noida, UP-201304 joined the hearing through video conferencing. The Superintendent of Police (Security) was also present during the hearing. The Public Information Officer-cum-Addl. Superintendent of Police (SCRB), CID, Shimla was present during the hearing and submitted two copies of reply related to the first appeal of Sh. Dev Ashish Bhattacharya and stated that on perusal of records/documents and reply submitted by the Superintendent of Police (Security), the information was not supplied to the applicant as per HP Govt. Notification No. Per (AR) F (7) 2/98-Vol.1 dated 21-01-2006 and corrigendum issued vide letter No. Per (AR) F (7) 2/98-Vol.1 dated 02-02-2006 under sub-section (4) of Section 24 of RTI Act, 2005 by the Government of Himachal Pradesh.

I have gone through the appeal and the records on file. The Public Information Officer has replied after examining the records, submission made by the Superintendent of Police (Security) and in accordance with HP Govt. Notification No. Per (AR) F (7) 2/98-Vol.1 dated 21-01-2006 and corrigendum issued vide letter No. Per (AR) F (7) 2/98-Vol.1 dated 02-02-2006.

Keeping in view of the above facts and circumstances in the instant case, the Public Information Officer has intimated the appellant that the desired information can't be supplied in view of the abovementioned notification/corrigendum issued by the Government of Himachal Pradesh excluding State CID (Intelligence & Security Wings) from the ambit of the RTI Act, 2005. In these circumstances, there is no justification for interfering with the decision of the Public Information Officer.

The appeal of Dev Ashish Bhattacharya, B-5, Pocket-7, Block-54, Kendriya Vihar-II, Sector-82, Noida, UP-201304 is disposed off accordingly.

Announced, certified copies of this order may be sent to the appellant, Dev Ashish Bhattacharya and Public Information Officer-cum-Addl. Superintendent of Police (SCRB), CID, Shimla.

In case the appellant is not satisfied with this order, he may file an appeal within ninety days from the date on which the decision has been made or was actually received, before the 2nd Appellant Authority-cum-State Information Commissioner, Himachal Pradesh, Keonthal Commercial Complex, Khalini, Shimla-171002.

(Padam Chand), IPS
1st Appellate Authority-cum-
Superintendent of Police (Crime),
CID, Himachal Pradesh, Shimla-2
Telephone No. 0177-2622140
E-mail:- sp-cr-hp@ nic.in

Endst. No. CID/Crime/RTI/Appeal/Dev Ashish/2023-(06)-3902-904 Dated- 25-10-23

Copy is forwarded to:-

1. Sh. Dev Ashish Bhattacharya, B-5, Pocket-7, Block-54, Kendriya Vihar-II, Sector-82, Noida, UP-201304, for information.
2. Public Information Officer-cum-Addl. Superintendent of Police (SCRB), CID, Shimla for information.
3. Incharge, SCRB (for uploading the same on H.P. Police website).

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