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Odisha Police  
District : Ganjam  
**CHATRAPUR.**

No. 211 /RTI.  
To

Dated: .0 .2024.

Sri. Abinash Giri (Advocate),  
S/o.-Ashish Giri,  
O/o, Advocates Chamber, Sector 6 Markat Nagar,  
Cuttack MC, Cuttack, Odisha. P<sup>no</sup>. 753014 .

Ref: RTI application of Sri. Abinash Giri Dt.19.07.24 received (T) A.I.G of Police.(HdQRS.)-cum-PIO., S.P., HdQRS., Odisha, Cuttack on 29.07.24.

Sub: Rejection of your RTI application form.

Sir,

With reference to the RTI application and subject cited above, it is to intimate you that the required information as per your above RTI application regarding violation of the Fundamental right and corruption prevailing in the office of the PIO is hereby rejected as per Section 8(1)(j) of the RTI Act. 2005 r/w Rule 5(1)/(2) of Orissa RTI Rules 2006, the undersigned regrets to express his inability to furnish the information asked for, as explained), which states in the ruling of Hon'ble Supreme Court of India in Civil Appeal No.22 of 2009 that:-

*The Hon'ble Supreme Court in decision dated 09/08/2011 in the matter of CBSE & Anr. Vs. Aditya Bandopadhyay & Ors. (C.A. No. 6454 of 2011) held: "35.....But where the information sought is not a part of the record of a public authority, and where such information is not required to be maintained under any law or the rules or regulations of the public authority, the Act does not cast an obligation upon the public authority, to collect or collate such non-available information and then furnish it to an applicant.....67..... The nation does not want a scenario where 75% of the staff of public authorities spends 75% of their time in collecting and furnishing information to applicants instead of discharging their regular duties. The threat of penalties under the RTI Act and the pressure of the authorities under the RTI Act should not lead to employees of a public authorities prioritizing information furnishing, at the cost of their normal and regular duties."*

*The matter has been further clarified by the Division Bench of Hon'ble Delhi High Court in its decision dated 07/01/2016 [LPA 24/2015 & CM No. 965/2015 The Registrar of Supreme Court of India vs Commodore Lokesh K Batra & Ors.] holding as under: " 15. On a combined reading of Section 4(1)(a)*



and Section 2(i), it appears to us that the requirement is only to maintain the records in a manner which facilitates the Right to Information under the Act. As already noticed above, "right to information" under Section 2(j) means only the right to information which is held by any public authority. We do not find any other provision under the Act under which a direction can be issued to the public authority to collate the information in the manner in which it is sought by the applicant." The Commission while upholding the decision of the respondent authority directs the CPIO to provide an opportunity to the appellant to see the relevant records and identify the record for getting copies thereof and provide copies of indetified records keeping the provisions of the RTI Act, 2005, in view on a mutually convenient date and time within 15 days from the date of receipt of this order. The appeal is disposed of. (Manjila Prashar) Information Commissioner Citation: Shri H. Tiwari v. Airport Authority of India in Appeal No. CIC/RK/A/2016/000911/MP, Date of Decision: August 10, 2017.

Hence, in view of aforementioned judgment & section 8(1)(j) of RTI Act, 2005, r/w Rule 5(1)(2) of Orissa RTI Rules 2006, the undersigned regrets to express his inability to furnish the information asked for, as explained, your application is thereby rejected.

In view of the above judgment you may come to District Police Office, Chatrapur Ganjam to see the relevant records and identify the record for getting copies thereof, after intimating the convenient date to the undersigned one week in advance.

However, if you feel aggrieved for the above said refusal you may file an appeal before the First Appellate Authority, O/o Superintendent of Police, Ganjam, Chatrapur within 30 days of the receipt of this letter.

26.7.2024  
Public Information Officer  
O/O Superintendent of Police,  
Ganjam, Chatrapur.

Memo No. 212 /RTI

Di. 30.07.2024

Copy submitted to the Office of the A.I.G. of Police(Hdqs.)-cum-Public Information Officer S.P. Hdqs., Odisha, Cuttack for favor of kind information with reference to I. No. IMU-168-2024/32879/PR(RTI)Cell, Dt.25.07.2024.

30.7.2024  
Public Information Officer  
O/O Superintendent of Police,  
Ganjam, Chatrapur.

Received Date: 03/08/2024

