

**BEFORE THE UTTAR PRADESH STATE INFORMATION COMMISSION,
LUCKNOW 7/7A, RTI Bhawan, Vibhuti Khand, Gomti Nagar, Lucknow,
Uttar Pradesh, PIN Code-226010**

**SECOND APPEAL UNDER SECTION 19(3) OF THE RIGHT TO
INFORMATION ACT, 2005**

Appellant: Yogi M. P. Singh Mohalla Surekapuram Colony, Jabalpur
Road, Sangmohal Post Office, District- Mirzapur, Pincode- 231001,
State - Uttar Pradesh, Mobile: 7379105911

Versus

Respondents:

1. **Public Information Officer (PIO)** ACP Phoolpur, Office of the
Assistant Commissioner of Police, Phoolpur District- Prayagraj,
PIN Code- 211003 Mobile: 7985007310 Email: co-
phoolpur.ah@nic.in
2. **First Appellate Authority (FAA)** Additional Commissioner of
Police, Commissionerate Prayagraj, District- Prayagraj, PIN Code-
211003 Mobile: 9454402862 Email: adcp-pol.ah@nic.in

**Subject: Second Appeal against the provision of a misleading
investigation report instead of specific information by the PIO and
the arbitrary dismissal of the first appeal by the FAA.**

**Most Respected Chief Information Commissioner/Companion
Information Commissioners,**

The appellant named above most respectfully submits this second
appeal as under:

1. Facts of the Case:

- **RTI Application:** An online RTI application (Registration No.
SSPPY/R/2025/60508) was filed by the appellant on 27/06/2025

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seeking information regarding action taken by the Station House Officer (SHO), Mauaima on the directions of the Sub-Divisional Magistrate (SDM), Phoolpur.

- **PIO's Response:** The PIO disposed of the request on **30/07/2025** with the reply: "अपेक्षित आख्या प्रेषित है।" (The desired report is attached.) The attached document was an investigation report, not the point-wise information sought.
- **First Appeal:** Dissatisfied with the PIO's response, the appellant filed an online first appeal (Registration No. **SSPPY/A/2025/60139**) on **30/07/2025**.
- **FAA's Order:** The First Appellate Authority disposed of the appeal on **02/08/2025** with the order: "याची को जनसूचना अधिकार अधिनियम 2005 के तहत प्रार्थना पत्र में मांगी गयी सूचना नियमानुसार दिनांक 30.07.25 को प्रदान की गयी है। अपील पोषणीय न होने के कारण प्रत्यावेदन निरस्त करते हुये निस्तारित किया जाता है।" (The information sought in the application under the Right to Information Act 2005 has been provided to the petitioner as per rules on 30.07.25. The representation is rejected and disposed of as the appeal is not maintainable.)

2. Information Sought by the Appellant in the RTI Application:

The appellant sought the following specific point-wise information:

1. Please provide the action taken by the Station House Officer, police station Mauaima, District Prayagraj in compliance with the order of the Sub-Divisional Magistrate, Phoolpur.
2. Please provide the name of the sub-inspector to whom the matter has been referred by the Station House Officer, Mauaima to take

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action in the matter in compliance with the order of the Sub-Divisional Magistrate, Phoolpur.

3. If action has not been taken on the direction of the Sub-Divisional Magistrate, Phoolpur, then the Public Information Officer must provide the reason for it as required under sub-section 1(d) of Section 4 of the Right to Information Act, 2005.

3. Grounds for Second Appeal:

- **Irrelevant and Misleading Information:** The PIO (Assistant Commissioner of Police, Phoolpur) has deliberately avoided providing the specific information sought. Instead of answering the three direct questions, the PIO provided an unrelated investigation report concerning a land dispute. This report does not answer what action was taken by the SHO, which officer was assigned the case, or the reasons for inaction. This is a clear attempt to mislead the appellant and conceal the requested information.
- **Failure of the First Appellate Authority:** The FAA has failed to apply his mind and has arbitrarily dismissed the appeal as "not maintainable". The FAA's order is non-speaking and fails to provide any reason for its conclusion, especially when the PIO's response was prima facie evasive and incomplete. The FAA merely upheld the PIO's flawed reply, thereby failing to perform his statutory duty.
- **Violation of the RTI Act:** The actions of the PIO and the FAA defeat the very purpose of the Right to Information Act, 2005, which is to promote transparency and accountability in the functioning of public authorities. The information sought is directly related to the performance of duties by a public servant (SHO Mauaima) and is crucial for ensuring accountability.

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- **Denial of Right to Reason:** As stated in the original RTI application, the right to reason is an indispensable part of a sound administrative system. By failing to provide the reason for inaction (Point 3), the PIO has violated Section 4(1)(d) of the RTI Act.

4. Prayer/Relief Sought:

The appellant humbly prays that the Hon'ble Commission may be pleased to:

- a) Admit this appeal for hearing.
- b) Direct the PIO, ACP Phoolpur, to provide complete, specific, and point-wise information as requested in the original RTI application (Registration No. SSPPY/R/2025/60508) to the appellant, free of cost.
- c) Impose a penalty on the PIO under Section 20(1) of the RTI Act, 2005, for furnishing misleading information and causing an unwarranted delay in providing the correct information.
- d) Recommend appropriate disciplinary action against the FAA for the arbitrary and non-speaking dismissal of the first appeal.
- e) Pass any other order or direction that this Hon'ble Commission deems fit and proper in the interest of justice and transparency.

Date: 03/10/2025 Place: Mirzapur

Yours sincerely,

Yogi M P Singh

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Sangmohal Post Office, District- Mirzapur, Uttar Pradesh, PIN- 231001.
Mobile: 7379105911

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