

Second Appeal Under Section 19(3) of the Right to Information Act, 2005

To

Chief Information Commissioner/

Companion Information Commissioners

7/7A, RTI Bhawan, Vibhuti Khand,

Gomti Nagar Lucknow, Uttar Pradesh, PIN Code-226010

1. Details of the Appellant

Detail	Information
Name	Mahima Maurya
W/o	Pramod Kumar Kushwaha
Address	Village-Godasar Sarpati, Post-Kalna, Districts-Mirzapur, Pin code-231303, State-Uttar Pradesh
Mobile Number	9198010433

2. Details of the Respondents (Public Authorities)

Respondent	Designation & Authority	Contact Details
PIO	OM PRAKASH SINGH, ASP OPERATION, District Mirzapur	Phone: 9454401105, Email: asp-op.mi@up.gov.in, PIN Code: 231001
First Appellate Authority (FAA)	Somen Varma, Superintendent of Police, District Mirzapur	Mobile: 9454400299, Email: spmzr-up@nic.in, PIN Code: 231001

3. Background of the RTI Applications

Event	Registration Number	Date	Authority	Status/Response
Original RTI Application	DGPOF/R/2025/60334 (Transferred to SPMZR/R/2025/80010)	08/06/2025 (Original) / 09/06/2025 (Transferred)	Superintendent of Police Office, Mirzapur	Disposed of on 04/07/2025 with an unsatisfactory reply (Answer to mahima)
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Event	Registration Number	Date	Authority	Status/Response
First Appeal u/s 19(1)	SPMZR/A/2025/60032	23/07/2025	SOMEN VERMA (SSP, Mirzapur)	RTI Appeal Received. No satisfactory order/decision from FAA has been provided or the PIO's misleading information was justified.
Date of Second Appeal		18/10/2025		

4. Grounds for the Second Appeal

The Appellant is filing this Second Appeal because the **PIO provided incomplete and misleading information** and the **First Appellate Authority (FAA) failed to adjudicate the matter correctly**, thereby endorsing the PIO's refusal to provide the specific, sought information, which is a clear contravention of the provisions of the Right to Information Act, 2005.

The core grounds are:

A. Failure to Provide Specific Information (Government Orders/Memos)

The Appellant's RTI application sought specific, point-wise **Government Orders, Circulars, and Office Memos** (Sought Information 1, 2, and 3) that would justify:

1. Not mentioning the main victim's name in an NCR or FIR.
 2. Making a Station House Officer "powerless" to take action against offenders in cases of assault on women/vulnerable persons.
 3. Prohibiting vulnerable sections (women/girls) from registering an FIR.
- **PIO's Response:** The PIO failed to provide **any** documents or copies of government orders/circulars as requested. Instead, the PIO provided internal investigation reports (dated 05.01.25 and 02.07.25) which are irrelevant to the core information sought (i.e., copies of administrative instructions/rules).
 - **Contention:** This constitutes a **deemed refusal** to provide information under the Act, as no relevant document was supplied. The PIO gave an *explanation* of police action instead of the *documentary evidence* (rules/orders) that was explicitly requested.

B. Providing Justification Instead of Reasons (Misleading Information)

The Appellant specifically sought the **reason** for not registering the FIR (Sought Information 4 and 5) and the **reason** for conducting a medical test if an FIR was not to be registered.

- **PIO's Response:** The PIO provided a report/justification (the Sub-Inspector's report) detailing the background of the dispute, mentioning cross-NCRs, classification of injuries as minor, and the Appellant's alleged habit of filing repeated applications.

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- **Contention:** The Appellant explicitly stated that a **reason** was sought, not a **justification** or an **arbitrary report** reflecting the investigation officer's personal assessment. The PIO's reply is therefore **misleading** as it diverts from the specific question, which constitutes a violation under Section 2(f) of the RTI Act.

C. Arbitrary Action by FAA

The First Appellate Authority, by not rectifying the PIO's flawed response and justifying the PIO's action, has, in effect, condoned the furnishing of incomplete and misleading information, thereby reflecting an "insolence to the provisions of the Right to Information Act 2005." The FAA failed to exercise powers under Section 19(5) to ensure that correct information was provided.

5. Prayer/Relief Sought

In light of the above submissions, the Appellant humbly prays to the Hon'ble Chief Information Commissioner/Companion Information Commissioners to:

1. **Direct the PIO** to immediately provide the specific, point-wise information requested in the original RTI application (including the copies of Government Orders, Circulars, and Office Memos) within a time-bound manner.
2. **Impose Penalty** under Section 20(1) of the RTI Act on the PIO, OM PRAKASH SINGH, ASP OPERATION, for intentionally providing incomplete and misleading information and for the deemed refusal to supply the requested documents.
3. **Recommend Disciplinary Action** under Section 20(2) against the PIO for his malafide action, which is "tantamount to anarchy in the working of the public authority" and undermines the rule of law and democratic values.
4. **Issue appropriate directions** to the First Appellate Authority and the Public Authority to ensure strict adherence to the provisions of the RTI Act in future cases.

Date: 18/10/2025

Yours sincerely,

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(Mahima Maurya)

W/O Pramod Kumar Kushwaha

Mobile Number: 9198010433

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