

Second Appeal under Section 19(3) of the RTI Act, 2005

To,

The Hon'ble Chief Information Commissioner/

Hon'ble Companion Information Commissioners

Uttar Pradesh State Information Commission (UP SIC)

7/7A, RTI Bhawan, Vibhuti Khand, Gomti Nagar

Lucknow, Uttar Pradesh, PIN Code: 226010

Particulars	Details
Appellant's Details	
Name	Shivam Gupta
Address	Mohalla Kakarhwa, Lohandi Road, Lohandi post office, Districts Mirzapur, State-Uttar Pradesh, Pin code 231001
Mobile No.	8756521496
PIO/Respondent No. 1	
Name	Manish Kumar Mishra , ASP OPERATION (Designation ASP OPERATION, Phone No 9454401105, Email: asp-op.mi@up.gov.in)
Public Authority	Superintendent of Police Office, Mirzapur
First Appellate Authority (FAA)/Respondent No. 2	
Name	Somen Verma , Superintendent of Police (Mobile: 9454400299, Email: spmzr-up@nic.in)
Public Authority	Superintendent of Police Office, Mirzapur

(1) शिवम गुप्ता

Subject: Second Appeal against the disposal of RTI Application No. SPMZR/R/2025/60207 due to the provision of incomplete, misleading information, and unlawful denial of access by the PIO and the subsequent failure of the FAA to remedy the denial.

Details of RTI and Appeals

Action	Registration Number	Date of Filing	Status/Disposal Date
Original RTI Application	SPMZR/R/2025/60207	05/08/2025	Disposed of on 05/09/2025
First Appeal	SPMZR/A/2025/60041	20/09/2025	Appeal Disposed of on 23/10/2025
Second Appeal	-	14/11/2025	-

Grounds for Second Appeal u/s 19(3)

The Appellant is constrained to file this Second Appeal on the grounds that both the PIO and the FAA have violated the provisions of the RTI Act, 2005, primarily by providing incomplete and misleading information, unlawfully denying access to information, and failing in their statutory duty to transfer the application.

1. Provision of Incomplete/Evasive Information

- Point 3 (Sub-Inspectors/Chowki In-charge Details):** The PIO failed to provide the **date of joining** at Police Station Laganj and the **official mobile number** for each Sub-Inspector/In-charge, making the response incomplete and non-responsive to the specific query.

2. Unlawful and Vague Denial of Information

- Point 4 (Police Constables' Details):** The PIO's reply, "थाना स्थानीय से देय नहीं है" (Information is not payable/available from the local police station), is an **unlawful denial**. The posting details and service record of a public servant (Police Constable) are public information and are not covered under any

(2.) शिवम गुप्ता

- exemption clause (Section 8 or 9) of the RTI Act. The Public Authority is obligated to hold and provide such information.

3. Failure of Statutory Duty under Section 6(3) of the RTI Act

- **Points 5 & 6 (Painting/Whitewashing Funds and Electricity Bills):**

- The PIO stated that the information on funds spent on painting ("थाना स्थानीय से संबंधित नहीं है") and electricity bills ("बिजली का बिल थाना स्थानीय के अभिलेखों में अंकित नहीं है") is *not held* by the Lalganj Police Station.
- **Statutory Violation:** This clearly indicated that the information was held by another Public Authority within the Police Department (e.g., Police Lines, Accounts, or the SP Office itself). The PIO was thus under a **statutory duty** as per **Section 6(3)** of the RTI Act to **transfer** this part of the application to the concerned Public Authority and inform the Appellant.
- The PIO's failure to transfer the application and the FAA's failure to correct this omission in the First Appeal constitutes a **willful and deliberate denial** of information.

4. Failure of the FAA (Respondent No. 2)

- The FAA disposed of the appeal (SPMZR/A/2025/60041) on 23/10/2025, essentially upholding the flawed decision of the PIO. The FAA failed to appreciate the statutory violations, particularly the clear denial under Point 4 and the gross failure to invoke Section 6(3) for Points 5 and 6, thereby failing to provide the relief sought by the Appellant.

Prayer/Relief Sought

In light of the above submissions, the Appellant **Shivam Gupta** humbly prays to the Hon'ble Commission to:

1. **Admit** this Second Appeal.
2. **Direct the PIO (Respondent No. 1) and/or the FAA (Respondent No. 2)** to provide the complete, accurate, and point-wise information as sought in the

(3) शिवम गुप्ता

original RTI application (SPMZR/R/2025/60207) **within a stipulated time frame**, specifically including:

- **For Point 3:** The date of joining at Police Station Lalganj and the official mobile number for each Sub-Inspector/Chowki In-charge.
 - **For Point 4:** The complete list of all police constables posted at Police Station Lalganj/connected Chowkis and their dates of joining.
 - **For Points 5 & 6:** Direct the relevant Public Authority (or the PIO to transfer the application correctly) to provide the details of funds spent on painting and electricity bills.
3. **Direct the information to be provided Free of Cost (FOC)**, as the information was not furnished within the mandated time and was unlawfully denied (Section 7(6) of the RTI Act).
 4. **Impose a penalty under Section 20(1)** of the RTI Act on the PIO for the clear and willful failure to discharge his statutory duty, particularly the non-transfer of the application under Section 6(3) and the unlawful denial of information.
 5. **Recommend Disciplinary Action** against the PIO/FAA under **Section 20(2)** of the RTI Act for promoting a culture of withholding public services arbitrarily and making a mockery of the law.

Date: 14/11/2025

Yours sincerely,

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Shivam Gupta

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(4) शिवम् गुप्ता