

**CENTRAL INFORMATION COMMISSION**

2<sup>nd</sup> Floor, August Kranti Bhawan,  
Bhikaji Cama Place, New Delhi-110066

**Decision No. CIC/SB/C/2015/000010**

**Dated 23.09.2016**

- Complainant** : Shri Harkrishan Das Nijhawan,  
B6/69-A,  
Safdarjung Enclave,  
New Delhi-110 029.
- Respondent** : Central Public Information Officer,  
Delhi Police, O/o the PIO,  
Licensing Unit, 1<sup>st</sup> Floor, Police Station,  
Defence Colony, New Delhi.
- Date of Hearing** : 23.09.2016

**Relevant dates emerging from the complaint:**

- RTI application filed on : 02.06.2015
- CPIO's reply : 26.06.2015
- Complaint filed on : 03.07.2015

**ORDER**

1. Shri Harkrishan Das Nijhawan filed an application dated 02.06.2015 under the Right to Information Act, 2005 (RTI Act) before the Central Public Information Officer (CPIO), O/o the PIO, Licensing Unit, Delhi Police seeking certified copies of his six arms license files/folders.

2. The complainant filed a complaint dated 03.07.2015 before the Commission on the grounds that the CPIO has declined him the information on

flimsy ground while the similar information was provided to him in the year 2013. The complainant further requested to award maximum penalty to the CPIO besides allowing him compensation and direct the respondent to provide him the requisite information.

**Hearing:**

**3.** The complainant Shri Harkrishan Das Nijhawan and the respondent Shri Ved Parkash, ACP (Licensing), Delhi Police were present in person.

**4.** The complainant submitted that he has been denied information on the grounds (1) that the information sought pertains to application forms etc., submitted by him and (2) that the information sought would endanger the life or physical safety of such person who had filed complaints against him. As regards (1), the complainant submitted that denying information on point no. 1 of his RTI application is not as per provisions of the RTI Act. Further, as regards (2), the complainant submitted that in such a case the information should have been provided after severance of the record containing information which is exempt from disclosure.

**5.** The respondent submitted that point wise information as per available record was provided to the complainant vide letter dated 26.06.2015. The respondent further submitted that the complainant is himself aware about the details filed in his application form for the grant of an arms license as well as documents submitted in support of his application. The respondent also submitted that rest of the official documents pertaining to verification of local police etc. being confidential reports, cannot be shared publicly in the interest of Government work. The respondent also submitted that the identity of the source of complaint/information against the complainant would endanger the life or physical safety of such a person.

**Decision:**

6. The Commission, after hearing both the parties and perusing the records, agrees with the complainant that information on point no. 1 of the RTI application has been wrongly denied to the complainant. The Commission also observes that in case disclosure of some of the information sought, could have endangered the life and personal safety of any person then the information should have been provided after severing the information, which is exempted, under Section 8(1)(g) of the Act. The Commission, therefore, finds that the respondent has incorrectly denied information to the complainant. Therefore, the CPIO is liable for imposition of penalty under Section 20(1) of the RTI Act.

7. The CPIO, Delhi Police is hereby directed to submit an explanation both by post and through e-mail at [do.icsb-cic@gov.in](mailto:do.icsb-cic@gov.in) before the Commission, on or before 24.10.2016, explaining why action under Section 20(1) of the RTI Act should not be initiated against him. Shri Ved Parkash, ACPIO and ACP, Delhi Police will ensure that a copy of this show cause notice is served upon the officer.

8. The CPIO, Delhi Police is further directed to appear before the Commission on **01.11.2016 at 1.00 p.m.** along with a copy of his written explanations.

9. The CPIO is also directed to inform if there is/ are other person(s) responsible for knowingly not providing complete information to the complainant and if so to inform such persons of the show cause hearing and direct them to appear before the Commission on **01.11.2016 at 1.00 p.m.** along with his/ their written explanations.

**10.** With these observations, the complaint is disposed of.

**11.** Copy of the decision be provided free of cost to the parties.

**(Sudhir Bhargava)**  
**Information Commissioner**

**Authenticated true copy**

**(V.K. Sharma)**  
**Designated Officer**