

CENTRAL INFORMATION COMMISSION

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi-110066

Decision No. CIC/SB/A/2015/000258

Dated 02.11.2016

Appellant : Shri Mange Ram Sharma,
H. No. WZ-1095,
Gali No. 10,
Sadh Nagar, Palam Colony,
New Delhi-110045.

Respondent : Central Public Information Officer,
Delhi Police O/o ADCP-cum-PIO,
South West District,
Sector-19, Dwarka,
New Delhi.

Date of Hearing : 02 .11.2016

Relevant dates emerging from the appeal:

RTI application filed on : 07.06.2015

CPIO's reply : 30.06.2015

First appeal filed on : 04.07.2015

FAA's order : 29.07.2015

Second appeal filed on : 04.08.2015

ORDER

1. Shri Mange Ram Sharma filed an application dated 07.06.2015 under the Right to Information Act, 2005 (RTI Act) before the Central Public Information Officer (CPIO), O/o Commissioner of Police, Delhi Police seeking information on seven points pertaining to Registration of FIR against Naveen

alias Sonu S/o Lal Chand or Lal Chand or any other member of the family including (a) date and time of registration of FIR and (b) name, father's name and permanent address (Mob. No. if any) of the person who has lodged the FIR against Naveen or any other member of family.

2. The appellant filed a second appeal dated 10.07.2015 before the Commission on the grounds that the CPIO denied information on the ground that the same pertains to third party information. The information was also denied by invoking exemptions under Sections 8(1) (e) and (g) of the RTI Act. The appellant requested the Commission to provide the information to him as it is a legal matter and is pending adjudication in the court of law and providing the information will be in the interest of justice.

Hearing:

3. Both the appellant Shri Mange Ram Sharma and the respondent Shri Rajbir Singh, Sub-Inspector, South-West District, Delhi Police were present in person.

4. The appellant submitted that he had sought information regarding any FIR lodged against Shri Naveen alias Sonu from 2007 till date of filing of RTI application i.e. 07.06.2015. However, information sought has not been provided to him by the respondent on the ground that the same pertains to a third party and that the party has refused to disclose the information under Section 11(1) of the RTI Act. Hence, the information was denied to him on the grounds that the same is exempted from disclosure as per Sections 8(1)(e) and (g) of the RTI Act. The appellant further submitted that the FAA vide his order dated 29.07.2015 has specifically stated that Sections 8(1)(e) and (g) of the RTI Act do not apply to the present case and, therefore the CPIO was directed to provide comprehensive information to the appellant.

5. The respondent submitted that since the information sought relates to a third party and, therefore, a notice dated 25.06.2015 under Section 11(1) of the RTI Act was served on the third party and the third party in response had denied the disclosure of the information. The respondent further submitted that disclosure of such information is exempted under Sections 8(1)(e) and (g) of the RTI Act. The respondent also stated that the same was informed to the appellant vide letter dated 30.06.2015 and in compliance of the FAA's order dated 29.07.2015, RTI application was re-considered and information on point no. 1 of the RTI application was provided vide letter dated 13.08.2015.

Decision:

6. The Commission, after hearing the submissions of both the parties and perusing the records, observes that information sought does not relate to personal information of third party. The Commission further observes that the information sought is not held by the respondent in a fiduciary capacity and also the disclosure of such information would not endanger the life or physical safety of any person. Hence, Sections 8(1)(e) and (g) of the RTI Act would not apply to the facts of the present case. In view of this, the Commission, directs the respondent to provide point wise information to the appellant within a period of two weeks from the date of receipt of a copy of this decision.

7. With the above observations, the appeal is disposed of.

8. Copy of the decision be provided free of cost to the parties.

(Sudhir Bhargava)
Information Commissioner

Authenticated true copy

(V.K. Sharma)
Designated Officer