

CENTRAL INFORMATION COMMISSION

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

Decision No. CIC/SB/A/2015/000465

Dated 01.12.2016

Appellant : ShriBijay Prakash Sharma,
411/5, Mohalla Maharam,
Shahdara, Delhi-110 032.

Respondent : Central Public Information Officer,
Delhi Police, O/o the PIO, Licensing Unit,
1st Floor, Police Station, Defence Colony,
New Delhi.

Date of Hearing : 01.12.2016

Relevant dates emerging from the appeal:

RTI application filed on : 16.06.2015

CPIO's reply : 16.07.2015

First appeal filed on : 27.07.2015

FAA's order : 28.08.2015

Second appeal filed on : 07.09.2015

ORDER

1. Shri Bijay Prakash Sharma filed an application dated 16.06.2015 under the Right to Information Act, 2005 (RTI Act) before the Central Public Information Officer (CPIO), Delhi Police, Licensing Unit seeking information/documents pertaining to inspection of documents submitted by the applicants for grant of fresh arms license from 01.05.2014 to

20.05.2015 along with the notings for grant/rejection of licence by the competent authority.

2. The appellant filed a second appeal dated 07.09.2015 before the Commission on the grounds that the CPIO has denied inspection of documents under Section 8(1)(j) of the RTI Act on the grounds that the documents relate to a third party and the First Appellate Authority (FAA) had provided misleading and incorrect information.

Hearing:

3. The appellant Shri Bijay Prakash Sharma and the respondent S.I. Ashok Kumar, Licensing Unit, Delhi Police were present in person.

4. The appellant submitted that the CPIO vide letter dated 16.07.2015 has denied inspection of documents under Section 8(1)(j) of the RTI Act on the grounds that the documents relate to third parties. The appellant further submitted that the FAA vide order dated 28.08.2015 had disposed of the case by upholding the reply of the CPIO and stated that the procedure of Section 11 of the RTI Act would not apply in this particular case.

Decision:

5. The Commission, after hearing the submissions of both the parties and perusing the records, observes that information sought relates to third party. However, the procedure under Section 11(1) of the RTI Act has not been complied with by the respondent. In view of this, the Commission directs the respondent to follow the procedure for supplying the information related to the third party under Section 11 of the RTI Act by seeking the opinion of the third party and thereafter taking a decision as to whether or not to disclose the information. The above directions shall be complied with, within a period of six weeks from the date of receipt of a copy of this order.

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

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

(Sudhir Bhargava)
Information Commissioner

Authenticated true copy

(V.K. Sharma)
Designated Officer