



Jammu and Kashmir State Information Commission
(Constituted under Right to Information Act 2009)

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File No: SIC/J/A/94/2013
Decision No. SIC/J/A/94/2013/225

Sh. Kovid Khosla Advocate	Appellant	Present
Dr. R.S. Sharma Addl. Deputy Commissioner, Jammu.	PIO	Present

Jammu
28-06-2013

Briefly the facts in this appeal are that Sh. Kovid Khosla, Advocate, J&K High Court Jammu R/o Opposite Eicher Showroom, Main Road Sidhra, Jammu moved an application dated 17-01-2013 under J&K RTI Act, 2009 before the PIO / District Magistrate/Deputy Commissioner, Jammu seeking the following information:-

- A. *Total number of arms licenses issued by D.C Jammu or other concerned officials of the office from 01-01-2011 to 01-01-2013 with names/occupation/profession/department where employed (if applicable) of the persons to whom the licences have been issued including the dates of receipt of applications for grant of arm licenses and dates of issuance of arms licenses.*
- B. *Total number of arms licences issued by D.C Jammu or other concerned officials from 01-01-2011 to 01-01-2013 without obtaining police verifications from SSP concerned with names/profession/occupation of such persons to whom such licenses have been issued and dates of receipt of applications for grant of arms licenses and dates of issuance of arms licenses of such persons.*
- C. *Names of the officials or other staff members of the office of D.C Jammu or other offices within the premises of D.C office to whom*

arms licences have been issued from 01-01-2011 to 01-01-2013 with dates of receipt of applications and dates of issuance of arms licences.

The matter was heard on 28-06-2013 and the judgment was reserved which was delivered on 26-07-2013. The information was not provided to the information seeker within statutory period of 30 days. Aggrieved by said conduct of the PIO, appellant on 4-3-2013 filed Ist appeal before the District Magistrate/Dy. Commissioner Jammu. The appeal was filed through speed post and should have been disposed off within the maximum period of 45 days i.e. on or before 19-04-2013 as the said appeal was presumed to have been received in the office of Dy. Commissioner on 5-03-2013. During the pendency of 1st appeal, the PIO vide his letter No. 2059/DMJ/13 dated 22-03-2013 supplied information in respect of points A&B of the RTI application to the information seeker. In respect of information sought vide point C of the RTI application, the PIO has denied the information under section 8(f) of J&K RTI Act, 2009. Thus, feeling aggrieved of inaction on the part of PIO as well as 1st Appellate Authority, the information seeker approached the Commission by filing 2nd appeal alleging therein that the information provided to him was incomplete and incorrect. After receiving the 2nd appeal the Commission directed the PIO to file written submissions, in support of his contention for not providing the details of information as name and addresses of persons who have been issued Arms Licences.

The PIO vide office letter no. DCJ/PIO/RTI/2013-14/357 dated 20-06-2013 filed written objections in which he has stated that the Arms Licences are issued to persons who face threat to their lives and most of them belong to the Security Forces. Making such details public would increase the vulnerability of such persons especially the anti national elements may have good account of the arms present in an area where they may be planning some operations. Also, keeping in view, the disturbed conditions in the State in the past few years, it may go against personal security of the persons holding such licenses as well as threaten the peaceful environment. The PIO further submitted that the details of persons holding the Arms Licence and also their details like

name, addresses and type of weapons may not be made public as it will be in-strict contravention of Section 8(a), 8(f), 8(i) of the J&K RTI Act, 2009. The appellant has contended that the PIO has not rightly appreciated the grounds for denial of information and has pleaded that information so sought does not fall U/s 8(f) of the J&K RTI Act, 2009 as the same is supposed to be in the public domain and as per the judgments of various courts, the information which should be in public domain and which is relating to the public activity cannot be denied to the information seeker. The appellant further pleaded that the PIO has not appreciated the fact that proviso of Section 8(i) of the Act provides that information which cannot be denied to the Parliament or the State Legislature cannot be denied to any person and in the present case it can be said that the information sought cannot be denied to the Parliament or the State Legislature. The exemption for disclosure of information U/s 8(1)(f) is for that information which will endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes. The appellant is seeking information obviously of those persons who have been allowed gun licences and all of them cannot, are not and will not fall under the category envisaged in Section 8(1)(f). The protection U/s 8 is given to those persons who are acting as informers to the security agencies and whose information is given in confidence for law enforcing or security purposes. The Commission directs the disclosure of only that information which concerns issuing of licences to civilians because army and security forces are covered U/s 8 of the J&K RTI Act, 2009. The appellant has further brought it to the notice of the Commission that as per manual of police laws in J&K Volume 1, a number of registers and documents have to be maintained to list the arms licences. This further makes it clear that the government wanted complete transparency for distribution of arms licences and their holders. Therefore, there is no point to bring them under the ambit of Section 8(f) which is relevant only for those individuals, persons etc., who are providing assistance to the law enforcing agencies and obviously they have to be protected from harm. All other licence

holders and licences should come under transparency law and their names and other particulars have to be disclosed.

Moreover, it would be pertinent to mention here that in compliance to the order of the Commission vide no. SIC/Co/SA/27/2013/453 dated 23-05-2013 titled Sh. Kovid Khosla (Advocate) V/s PIO Home Department, the details of gun licences issued to the civilians by Home Department were furnished to the information seeker. In the light of aforesaid observations, the PIO is hereby directed to furnish the information to the information seeker within two weeks from the date of receipt of this order under an intimation to the Commission.

The appeal is accordingly disposed of.

Notice of this decision be given free of cost to the parties.

Sd/-

Dr. S.K. Sharma
State Information Commissioner

Copy to the:-

3. The First Appellate Authority/Dy. Commissioner, Jammu.
4. The Public Information Officer/ Addl. Dy. Commissioner, Jammu.
5. Sh. Kovid Khosla, Advocate, J&K High Court, Jammu R/o Opposite Eicher Showroom, Main Road Sidhra, Jammu.

Khalid-A-Shah
Deputy Registrar
State Information Commission