

**आदेश****ORDER**

Whereas, Shri.Venkatesh Nayak in his RTI application dtd.21.07.2016 transferred from OFB, Kolkata dtd.18.08.2016 received on 24.08.2016 (Regn.No.16103), sought the information relating to **"Manufacture & sale of anti-riot weapons & related Ammunition"** and CPIO's vide Letter No.Estt/260/RTI CELL/16103/2016 dtd.08.09.2016 has rejected the application on following grounds:

(i) under section 8(1)(a) of the RTI Act, 2005 which states that:
"information, disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State, relation with foreign State or lead to incitement of an offence";

(ii) under section 8 (1) (d) of RTI Act-2005 which states that :
"information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information";

2. And whereas, Shri.Venkatesh Nayak, submitted an appeal dtd.14.10.2016 received on 24.10.2016 stating that "the grounds of rejection cited are not acceptable, since the information sought relates to Arms & Ammunition used in Riot-control operations are primarily law and order operations, not defence operations";

3. And whereas, after scrutinizing the RTI application dtd.21.07.2016 (Regn.No.16103), the CPIO's reply dtd.08.09.2016 and appeal dtd.14.10.2016, the observations of the First Appellate Authority are as under:

Sl.No.	Information Asked	Grounds for Rejection by CPIO	Observations of FAA
1.	A clear photocopy of all official records/documents that describe the physical characteristics and specifications of all weapons and related ammunition manufactured for the purpose of riot control by the Ordnance Factories under your jurisdiction along with the name and location of the factories where manufactured;	The information sought by you is sensitive defense information and its disclosure is exempted: (i) under section 8(1)(a) of the RTI Act, 2005 which states that: "information, disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State, relation with foreign State or lead to incitement of an offence".	This factory is not manufacturing weapons. It is only manufacturing Ammunitions. The information available on OFB website on 12 bore ARRB related to Ammunitions may be supplied free of cost.
2.	A clear photocopy of all official records/documents containing the wholesale price and maximum retail price fixed currently for all categories of anti-riot weapons and related ammunition manufactured by the Ordnance Factories under your jurisdiction;	(ii) under section 8 (1) (d) of RTI Act-2005 which states that : "information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information."	



सूचना का
अधिकार

सं.स्थापना/260/आरटीआई/VN/16103/2016

भारत सरकार, रक्षा मंत्रालय

गोला बारूद फैक्टरी, खडकी पुणे-411003

दिनांक : 22.11.2016

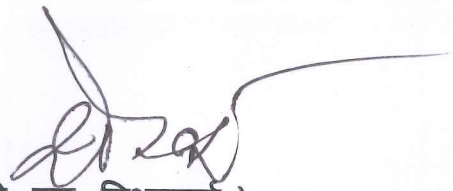
2

3.	A clear photocopy of all official records/documents relating to the sale of the anti-riot weapons-"12 Bore Pump Action Gun" and related ammunition containing specific details such as the identity of the buyer, date of sale, sale price and quantity of such guns and related ammunition sold. Please provide the said information for every transaction that took place from 01 January 2010, till date and		
4.	A clear photocopy of all studies relating to the efficacy and impact of the anti-riot weapon-"12 Bore Pump Action Gun" and all types of cartridges usable with such gun "held by" your public authority or which is "under the control of" your public authority as understood in terms of section 2(j) of the RTI Act.		No such information is available with the Public Authority. Hence the information cannot be furnished.

4. And therefore, the Appellate Authority hereby disposes off the Appeal dtd.14.10.2016 of Shri.Venkatesh Nayak with the directives to disclose the available information as above point No.1,2 &3;

5. And therefore, if the appellant is still not satisfied with the decision of the Appellate Authority he can file his 2nd Appeal within 90 days to the C.I.C. under the RTI Act 2005 on the following address and no fees will have to be paid for the 2nd Appeal.

Central Information Commissioner
2nd Floor, B Wing, August Kranti
Bhawan, Bhikaji Complex
New Delhi 110 066
Tele.:- 011 - 26717353


(सी. एस. विश्वकर्मा)

वरिष्ठ महाप्रबंधक

प्रथम अपील प्राधिकारी/गो.बा.फै. खडकी

सेवा में,

✓ Shri Venkatesh Nayak
55A, 3rd Floor,
Siddharth Chambers-1,
Kalu Sarai,
New Delhi - 110 016.

वितरण : सं.म.प्र / प्रशासन एवम जनसूचना अधिकारी सूचनार्थ