

CENTRAL INFORMATION COMMISSION

No. CIC/OK/A/2006/000162

Dated, the 18th September, 2006

Name of the Appellant : **Shri R.L. Kain**
66-B, Pocket I, Dilshad Garden
Delhi - 110095

Name of the Public Authority : **Ministry of Social Justice and**
Empowerment, New Delhi.

DECISION

In the first hearing of this case on 7th August, 2006 the Central Information Commission decided to hear the views of the National Commission for Scheduled Castes as the matter relating to sub categorization of Scheduled Castes and the proposed inclusion of some backward Castes in Scheduled Castes lists was a sensitive issue and vital public interest was involved. A hearing was held in response to an appeal filed by Shri R.L. Kain on 5th June, 2006 against the CPIO, Ministry of Social Justice and Empowerment for examining notings and correspondence in the Ministry's file on the said subject. The Commission further decided to hold the next hearing on 22nd August, 2006.

2. The matter was heard as scheduled by the bench of Dr. O.P. Kejariwal, Information Commissioner. Shri V.R. Malhotra, Director & CPIO, Ministry of Social Justice and Empowerment represented the Respondents and the Appellant Shri R.L. Kain appeared in person. No one appeared on behalf of the National Commission for Scheduled Castes.

3. The Commission heard the case in detail. The Commission accepted the contention of the Respondents that the matter was yet not over and that from the Government's decision to appoint a Committee under the Chairmanship of a retired Supreme Court judge on the issue of the sub-categorization, it cannot be inferred that the matter is complete. The Commission felt that it would not be appropriate for the Government to open up at this stage cabinet papers for inspection. However, this does not mean that the Appellant could not be given partial information. The Commission directed that copies of proposals received

from the Governments of Chattisgarh, Haryana, Madhya Pradesh, Maharashtra and Punjab for the amendment of the Constitution (Scheduled Castes) Order 1950 for inclusion of certain OBC categories into the SC lists should be given to the Appellant within 15 days of the issue of this order. The Respondents will report compliance to the Commission within 21 days of the issue of this order.

4. The Commission ordered accordingly.

Sd/-
(O.P. Kejariwal)
Information Commissioner

Authenticated true copy:

Sd/-
(L.C. Singhi)
Additional Registrar

Cc:

1. Shri R.L. Kain, 66-B, Pocket I, Dilshad Garden, Delhi - 110095.
2. Dr. Sandeep Khanna, Addl Secretary & Appellate Authority, Ministry of Social Justice and Empowerment, Shastri Bhavan, New Delhi - 110001.
3. Shri V.R. Malhotra, Director & CPIO, Ministry of Social Justice and Empowerment, Shastri Bhavan, New Delhi - 110001.
4. Chairman, National Commission for Scheduled Castes, V Floor, Lok Nayak Bhawan, New Delhi-110003.
5. Officer Incharge, NIC.
6. Press E Group, CIC.