

CENTRAL INFORMATION COMMISSION

Appeal No. CIC/WB/A/2008/01484 dated 26-8-2008

Right to Information Act 2005 – Section 19

Appellant: Shri Om Prakash Kashiram,

Respondent: Supreme Court of India (SCI)

Decision announced: 4.2.2010

FACTS

By an application of 6-3-08 received in the Supreme Court of India on 12-3-08 Shri Om Prakash Kashiram of Kalyan, Maharashtra applied to the CPIO, Supreme Court of India seeking the following information:

The public records have been destroyed on 7th February, 2006 as per prevailing practice mentioned in an order in appeal No. 13 of 2006 (copy enclosed), under which Rule/ Act/ Judgment the public records have been destroyed may please be intimated and a attested copy of concern pages of Rule/ Act/ Judgment may please be provided.”

To this Shri Kashiram received the following response dated 8-4-08 from CPIO Shri Ashok Kumar:

“I write to inform you that Court record is weeded out in accordance with the order XLVIII of Supreme Court Rules 1966. The letter petitions received in the Registry are weeded out as per the following guidelines;-

1. The files relating to letter petitions ordered to be lodged are to be kept for one year and thereafter weeded after obtaining formal orders from the Competent Authority.
2. The letter petitions in which negative Report is received from the concerned authorities and party is not pursuing the matter are also weeded out after the expiry of three years period.
3. The files of letter petitions are weeded out after recording necessary entries in the relevant register/ computer.’

Shri Kashiram then moved an appeal before the Registrar, SCI dated 21-4-08 expressing his dissatisfaction with the information provided on the following grounds:

- “1. The Registry function is only dispatch the outgoing letters receive from various section of Hon’ble Supreme Court and the distribution of incoming letter to various section of Hon’ble Supreme Court for necessary action.

2. Letters/ Petitions mentioned in Order under RTI Act, 2005 appeal No. 13 of 2006 pertain to the Hon'ble Chief Justice of India not registry.
3. Reply from PIO on my RTI application dated 6.2.2008 concern with Registry.
4. Instructions for destroy court records in Registry vide letter No. 163/RTI/2008/SCI dated 08th April 2008 not for public record.
5. After enacted Public Record Act, Rules mentioned in PIO letter dated 8.4.2008 is valid/ concern or not.
6. The information not received from the Office of Hon'ble Chief Justice of India, Supreme Court, New Delhi.
7. Information may please be provided as per the Appendix 'A'.
8. Penalty may be imposed on PIO for mislead my application."

In Appendix 'A' is reiterated the requests made in the initial application. Upon this he received the following order from Shri M.P. Bhadran, Appellate Authority dated 2-6-08:

"The only question asked by the appellant is in respect of the Rule/ Act/ Judgment under which the public records have been destroyed. Order XLVIII of Supreme Court Rules, 1966 deals with the destruction of records. The records are being destroyed in accordance with the provisions contained in Order XLVIII of the Supreme Court rules, 1966. The CPIO has given the proper reply to the appellant. So, I find no merit in this appeal and it is only to be dismissed."

Shri Kashiram has then moved his second appeal before us with the simple prayer that he be supplied a copy of concerned pages of Rule XLVIII of Supreme Court of India Rules duly attested by CPIO with name and designation. The appeal was heard through videoconference on 4-2-2010. The following are present:

Respondents

Shri Rajpal Arora, Addl. Registrar/ CPIO, Supreme Court of India.
Shri D.D. Kamat, Advocate for Supreme Court of India.

Although informed of the date of hearing through our letter of 14-1-2010 appellant Shri Om Prakash Kashiram opted not to be present.

Shri D.D. Kamat presented his *vakalatnama* which has been placed on record. He further submitted that this case arises from an earlier case in which appellant Shri Kashiram has sought information regarding public

records and has been informed that these have been destroyed on 7-6-2006. The present application arises there from. Learned Counsel invited our attention to the contents of CPIO's reply in which he has stated that it is only the court record that has been weeded out in accordance with Order XLVIII of Supreme Court Rules 1966. Applicant's petition on the other hand has been weeded out as per Guidelines, a copy of which has already been supplied to appellant Shri Kashiram through being quoted word for word in the signed response sent by CPIO Shri Ashok Kumar.

DECISION NOTICE

The Supreme Court Rules already stand uploaded on the website of the SCI as mandated u/s 4 (1) (b) (iii). Appellant Shri Kashiram is advised that if he still wishes to obtain a copy of this order after the clarification in the hearing provided by learned counsel on the guidelines, a signed copy of which is therefore already with him, he is free to download the same from the SCI website <http://www.supremecourtfindia.nic.in/scrules1966.htm>. This appeal is disposed of accordingly.

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

(Wajahat Habibullah)
Chief Information Commissioner
4-2-2010

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges prescribed under the Act to the CPIO of this Commission.

(Pankaj K.P. Shreyaskar)
Joint Registrar
4-2-2010