

CENTRAL INFORMATION COMMISSION

Appeal No. CIC/WB/A/2008/01561 dated 29-8-2008

Right to Information Act 2005 – Section 19

Appellant: Shri B.P. John

Respondent: Supreme Court of India (SCI)

Decision announced: 4.2.2010

FACTS

By an application of 9-5-08 Shri B.P. John of Bangara Pet, Kurnool applied to the CPIO, Supreme Court of India seeking the following information:

- “1. What is the meaning of the term ‘Lodged’ used in para 2 line three in letter cited as reference no. 1.
2. What is the process after lodging?
3. Kindly accept Rs. 28/- in the form of IPO for sending me certified copies of record, what I urged in my application dated 25.3.2008.
4. What is the meaning of the term SEBAITS used in line 3 in point No. 10 of judgment in case no. 3135 dated 19.7.2007 by Hon’ble Supreme court of India.

Above information is needed to protect the lives, liberty of Dalit Christians who are whistleblower and for saving the Christian charitable educational institutions for needy and poor people in living god’s service.”

To this Shri John received the following response dated 27-5-08:

“I write to inform you that the concerned PIL file (s) relating to your telegrams bearing postal nos. 206, 214, 4654, 056, 15 and 193 have been weeded out on 13.5.2008 and therefore, your request for furnishing certified copies of the record cannot be acceded to.’

Not satisfied, Shri John moved an appeal before the Appellate Authority, SCI dated 13-7-08 pleading as follows:

“I request you to kindly accept this first appeal u/s 19 (1) of RTI Act, 2005 for necessary action as the PIO did not furnish me the information sought for.’

Upon this Shri John received the following order from Shri M.P. Bhadran, Appellate Authority dated 4-8-08:

"I have gone through the application of the appellant dated 25.3.2008. He has made a request to provide him with certified copies of record showing whether his telegrams were taken to Hon'ble Chief Justice or not and what action was taken on his telegram. From the impugned order it is quite clear that the telegrams were lodged and no action has been taken on the same. So, no further information to be supplied to the appellant by the CPIO. There is no merit in this appeal and it is only to be dismissed."

Appellant Shri John's prayer before us in his second appeal is as below:

"My application dated 9.5.2008 and appeal dated 13.7.2008 of RTI Act, 2005 could not obtain/ sought information. So this appeal u/s 19 (3). The above PIO & AA may kindly be directed to furnish me the information sought which is needed to protect the life and liberty of Dalit Christians who are whistle blowers against illegal transaction of Christian charitable institution property."

The appeal was heard through video-conferencing on 4-2-2010. The following are present:

Appellant: (at NIC Studio, Kurnool)

Ms. Unity, d/o Shri B.P. John

Respondents

Shri Rajpal Arora, Addl. Registrar/ CPIO, Supreme Court of India.

Shri D.D. Kamat, Advocate for Supreme Court of India.

Letter of authorisation of Ms. Unity by her father Shri B.P. John has been obtained. Learned counsel for respondent Shri D.D. Kamat submitted that the initial application of Shri John dated 25-3-08 on the same subject was replied to on 24-3-08, a copy of which has been appended by appellant with his present appeal. In this response appellant had been fully informed as follows:

"This is to further inform you that your telegram bearing postal nos. 206, 214, 4654 and 15 were received from the office of Hon'ble Chief Justice of India in the PIL Section and had been lodged. However, a copy of telegram bearing postal no. 193 dated 27.2.2007 was forwarded to the Director General of Police, State of Andhra Pradesh, Hyderabad for taking necessary action as may deem fit. For obtaining certified copies of the record you are required to send Rs. 28/- either in cash against proper receipt or by way of Indian Postal Order of Demand Draft drawn in favour of Registrar, Supreme Court of India."

This matter had been decided in first appeal on 4-8-2008 and finally decided by this Commission on 26-10-09. Therefore, learned counsel submitted that this appeal was a duplicate. However, it was pointed out to learned counsel that the application upon which appeal is being heard in the present case is the application of 9-5-08 and not 25-3-08. In this context, although the question of providing certified copies of the records has already been dealt with in disposing of the application of 25-3-08, in the decision notice of this Commission dated 26-10-2009 on Complaint No. **CIC/WB/C/2008/215**, we have not addressed question Nos. 1, 2 and 4 of appellant Shri John's present application, as these were not at issue in the application of 25.3.'08. Upon this learned counsel explained to appellant that when a petition is lodged, it means that it is filed and no further action is taken on it. If some further action is required to be taken the matter is to be agitated before a Judge. On question No.4, however, learned counsel submitted that the meaning of the term sought by appellant Shri John in his application of 9-5-08 is a term used in a particular judgment and it is not within the competence of CPIO to interpret the same.

Upon being asked by us whether there was any further information sought by appellant Ms. Unity submitted that the information now provided was what was asked for.

DECISION NOTICE

Having heard the arguments and examined the record we agree that what appellant has, in fact, asked in question Nos. 1, 2 and 4 is for an interpretation of legal terminology. Such an interpretation can be had readily from any lawyer and is not for the CPIO to provide this as this is 'information' outside the definition of that word in section 2 (f) of the RTI Act. However, in this case keeping in mind that the appellant is a Dalit, CPIO would have lost little by clarifying this matter to him specifically because this question has arisen from the use of the term 'lodged' in his response of 23.4.'08 to the initial application of 25-3-08.

We also find that the orders of the Appellate Authority of 4-8-08 are on the order in appeal against the order of 23-4-08 and not of the present order. In other words there has been no response to Shri John's appeal of 13-7-2008. Nevertheless, with the clarification offered by learned counsel in the hearing the question raised in the present application stands answered to the satisfaction of appellant. While the appeal in this matter has been allowed in this manner, no further action is called for.

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