

CENTRAL INFORMATION COMMISSION

Appeal No. CIC/WB/A/2009/000152 & 131 dated 20.2.2009 and 19.2.2009 respectively.

Right to Information Act 2005 – Section 19

**Appellant** - Shri Om Prakash Kashiram

**Respondent** - Supreme Court of India

Decision announced : 12.3.2010

**Facts:**

These are two appeals filed before us by Shri Om Prakash Kashiram of Thane (Maharashtra). The appeal in File No. **CIC/WB/A/2009/000152**, however, is simply a duplicate of the appeal in File No. **CIC/WB/A/2009/000131** and hence these have been clubbed for a hearing and disposed of together in a single decision..

In his application of 23.6.08 Shri Om Prakash Kashiram has sought the following information:

- “1. What is the role and function of Registry in Supreme Court of India may please be intimated.
2. Name of total section / department in Supreme Court of India and their role and function may be intimate.
3. Who is the head of all section / departments of Supreme Court of India may please be intimated.
4. In what basis / parameters that the Hon’ble Chief Justice of India, reached the conclusion that the report is negative, may please be intimated.
5. Name of officer / department who sent the negative report to Hon’ble Chief Justice of India may please be intimated.
6. The Hon’ble Chief Justice of India verify the DC Rule after receiving negative report under which DC Rule the building is constructed may please be intimated.
7. The Hon’ble Chief Justice of India verify the FSI after receiving negative report under which FSI the building is constructed may please be intimated.
8. The Hon’ble Chief Justice of India examined the role of Mumbai Municipal Corporation, Mumbai after receiving negative report may please be intimated.
9. The Hon’ble Chief Justice of India Definition of Slum Dweller after receiving negative report may please be intimated.

10. The Hon'ble Chief Justice of India examined the role of Slum Rehabilitation Authority after receiving negative report may please be intimated.
11. The Hon'ble Chief Justice of India verify the land records under land ceiling act after receiving negative report may please be intimated.
12. What parameters Hon'ble Chief Justice of India decided that the report is negative, please explain and may please be intimated.
13. The petition letter dated 31.1.2004 of Smt. Daya Kori is public record or Court Record may please be intimated.
14. The negative report is public record or court record may please be intimated.
15. The petition letter dated 31.8.2004 is public record or Court Record may please be intimated if court record please explain in details.
16. The duties of Officer-in-Charge of registry section may please be explained in details, may please be intimated.
17. Name and designation and present status of then officer-in-charges of registry who destroyed the court records / public records may please be intimated.
18. Name and Designation of competent authority who had given permission for destroyed public records / court records may please be intimated.
19. The court records are not public records please be intimated.
20. We are slum dweller or owner of the property as per the negative report may please be intimated.
21. As per the negative report from authorities, why authorities interested for slum development on private land may please be intimated.
22. Public Fund is using for construction of building or nor may please be intimated.
23. The negative report containing the following points or not may please be intimated in details:
  - a) FSI
  - b) DC Rule
  - c) Owner of land
  - d) Land ceiling act.
  - e) Demolition of houses without notice
  - f) Annexure II issued under which DC Rule
  - g) Fund for construction of building
  - h) Role of BMC, Mumbai
  - i) Role of SRA, Mumbai
  - j) Role of Housing Department
  - k) Role of State Govt.
  - l) Role of Housing Secretary

- m) Role of Chief Secretary (Present Chief Secretary was ex BMC Commissioner)
25. If the report is negative and correct why not given a copy to us under RTI Act 2005, please be intimidated.”

To this Shri Om Prakash Kashiram received a response point-wise dated 10.7.08 from CPIO Shri Ashok Kumar, Addl. Registrar, Supreme Court of India informing him as follows:

- “1. Please refer to the Supreme Court Rules, 1966 and also Supreme Court of India Practice & Procedure, A Hand book of Information, Second Revised Edition regarding role and function of the Registry of Supreme Court of India for judicial matters.
2. There are 45 Sections.
3. Hon’ble Chief Justice of India is the head of Supreme Court of India. Shri V. K. Jain, Secretary General is the head of all Sections.
- 4 to 15 & 20. You have already been informed that the record relating to your letter petition has been weeded out. No information is available.
16. Branch Officer supervises the work of Section PIL – English. His duty is to put up letter petitions in accordance with the guidelines laid down to deal with PIL matters and also to weed out the record relating to that Section.
17. Shri Virender Kumar Branch Officer (PIL English)
18. Shri J. K. Sharma, Registrar, GD
19. The Court records are the Court records.”

Shri Kashiram has then moved an appeal before the Appellate Authority in the office of Registrar, Supreme Court of India, pleading as follows:

“Information not received as per the application dated 23.6.08 under RTI Act 2005. I am not satisfied with the reply from PIO regarding Court Records / Public records. Court records are the public records.”

Upon this, Appellate Authority Shri M. P. Bhadrans, in his order of 19.8.08 in appeal No. 83 of 2008 has arrived at the following conclusion :

“While answering points 4 to 15 and 20 to 25, CPIO has informed the appellant that the records relating to the appellant’s petition referred above has already been weeded out and hence no information is available with the Registry. CPIO has supplied the

information to the appellant in respect of points 1 to 3 and 16 to 19. No other information is held by the CPIO to supply to the appellant. I find no merit in this appeal and it is only to be dismissed.”

Appellant Shri Om Prakash Kashiram has then come in second appeal before us with the following prayer :

- a) **“Concern pages of Rule XI, VIII of Supreme Court of 1966 may be provided duly attested by name of CPIO.**
- b) **Public records should be destroyed as per the Public Record Act 1993 and 1997 and public records are to be preserved more than 25 years but the Office of the Hon’ble Chief Justice India have not yet been provided the information on said points.”**

Shri Om Prakash Kashiram has in this appeal repeated his list of information sought, in which the key question is the certified copy of the pages of rule XLVIII. The appeals were heard on 12.3.2010 with arrangements for videoconference with Thane (Mah.). The following are present :

**Respondents**

Shri Raj Pal Arora, Addl. Registrar / CPIO  
Shri Devadatt Kamat, Adv. for SCI

Although arrangement has been made to hear the appeal through videoconference at NIC Studio, Thane (Mah) and appellant Sh. Om Prakash Kashiram had been informed by Notice dated 19.2.200 regarding the hearing, he has opted not to be present. Shri Devadatt Kamat submitted his *vakalatnama*, which has been taken on record.

Learned Counsel Shri Devadatt Kamat then submitted that the issue in these cases is identical with the issue already decided upon in Appeal No. **CIC/WB/A/2008/01484**, in which the following decision was announced on 4.2.2010.

“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.

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>.”

### **DECISION NOTICE**

In the present case, appellant Shri Om Prakash Kashiram has pleaded for a certified copy of order XLVIII from the SC Rules. Our decision of 4.2.10, quoted above, has already advised him on the means of obtaining such a copy to which reference has already been made in a signed copy of a letter already available with him from CPIO. There remains, therefore, no further action required by this Commission, which has already ruled on this specific subject. For this reason, both appeals are found to be without merit and are hereby dismissed.

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

(Wajahat Habibullah)  
Chief Information Commissioner  
12.3.2010

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  
12.3.2010