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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% Judgment delivered on: 30.09.2016

+ W.P.(C) 8917/2016

TAPAN CHOUDHURY

..... Petitioner

versus

CENTRAL INFORMATION
COMMISSION & ORS.

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr Tapan Choudhury, petitioner in person.

For the Respondents : Ms. Anu Bagai, Advocate for R-2 & 3

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. The petitioner impugns the order dated 07.03.2016 passed by the Central Information Commission confirming the order dated 29.11.2014 of the First Appellate Authority accepting the response dated 15.10.2014 of the CPIO declining to provide the information sought by the petitioner.
2. The petitioner vide the application dated 19.09.2014 had sought for copies of the shorthand note book of the Stenographer of the concerned court as on 27.05.2013.
3. The CPIO vide response dated 15.10.2014 had replied stating that no such record was being maintained and thus the information could not

be furnished. By the order dated 29.11.2014, the First Appellate Authority has held that since no such record is being maintained the information is not available and thus the same cannot be furnished.

4. By the impugned order the Chief Information Commissioner relying on the decision of the full bench of this Court in 'Secretary General, Supreme Court of India Vs. Subhash Chandra Agarwal, AIR 2010 Delhi 159' declined to interfere with the order passed by the First Appellate Authority.

5. The full bench of this Court in Subhash Chandra Agarwal (Supra) has hold that even draft judgments signed and exchanged are not to be considered as final judgment but only a tentative view liable to be changed. It has been held that draft judgment cannot be said to be information held by a public authority. The full bench held, that the apprehension of the learned Attorney General, that notes or jottings by the Judges or their draft judgments would fall within the purview of Right to Information Act, is misplaced. Notes taken by Judges while hearing a case, it was held, cannot be treated as final views expressed by them on the case and are meant only for the use of the Judges and cannot be held to be a part of a record 'held' by the public authority.

6. In the present case, the petitioner is seeking copies of the shorthand note books in which the Stenographer takes dictation of the Court. First of all, shorthand note books, as reported by the CPIO, are not retained and secondly the shorthand note book cannot be equated with a judgment or an order, which forms part of the judicial record. Shorthand notebook

can at best be treated as a memo of what is dictated to a steno to be later transcribed into a draft judgment or an order. When draft judgments and order do not form part of a 'record' held by a public authority, a shorthand note book which is memo of what is dictated and which would later be typed to become a draft judgment or an order can certainly not be held to be 'record' held by a public authority.

7. I find no infirmity in the impugned order. There is no merit in the petition. The writ petition is dismissed. There shall be no order as to cost.

SEPTEMBER 30, 2016
'rs'

SANJEEV SACHDEVA, J

