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

+ **W.P.(C) 3550/2013**

RK JAIN

..... Petitioner

Through Mr J.K. Mittal, Advocate.

versus

CENTRAL INFORMATION COMMISSION
THROUGH ITS SECRETARY

..... Respondents

Through Mr Sanjev Narula and Ms Kaanan Gupta,
Advocate for CIC.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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04.09.2017

1. The petitioner has filed the present petition, *inter alia*, praying as under:

“a. issue any appropriate writ or direction against the Respondent that Hon’ble Central Information Commission is to maintain and keep the records of proceedings or order sheet of the hearings before the Central Information Commission under the Right to Information Act, 2005; and/or

b. Issue any appropriate writ or direction declaring that the Hon’ble Central Information Commission should pronounce and passed an written order immediately after the hearing unless order is reserved and in case of reserved order, within 30-60 days of date when such order is reserved or any other period which this Hon’ble Court deem fit and proper in view of the objective of the Right to Information Act, 2005; and/or

c. issue a Writ of certiorari/ mandamus or any other appropriate Writ/ order/ direction by quashing the impugned order dated

10.01.2013 passed by the Central Information Commission/
Respondent; and/or”

2. The only controversy that remains to be addressed is whether the respondent (‘hereafter CIC’) is required to maintain record of daily orders. The learned counsel appearing for the respondent submits that most of the cases are decided on the basis of a single hearing and, therefore, there is no requirement for maintaining the record of daily orders. This submission is *ex-facie* unacceptable. The functioning of the CIC must be transparent, and it is necessary that a record of daily proceedings be maintained. Even, if the hearing is concluded on a single date, the order sheet maintained on that day should clearly reflect that the hearing is concluded, although the decision may be rendered, subsequently. The learned counsel for CIC had filed certain documents on 18.12.2016, which include a proforma of the order sheet. The said order sheet must be filled for each hearing.

3. Attention of this Court has also been drawn to order dated 23.03.2016, which indicates that the learned counsel for the CIC had unequivocally stated that the CIC is willing to maintain the daily order sheets and had prayed for some time to evolve a procedure. Thus, sufficient time has been provided to the CIC to put in place a procedure for recording of order sheets; however, even today the learned counsel is not in a position to inform this Court, the procedure for ensuring recording of order sheets.

4. In view of the above, the CIC is directed to maintain the order sheets for each hearing in the form, as indicated in the documents filed on behalf of the CIC on 18.10.2016. The said order sheet would also be uploaded as expeditiously as possible and in any case not later than three days from the date of hearing. The CIC shall ensure that all the systems are accordingly

modified to accommodate the aforesaid directions.

5. No further orders are required to be passed in this petition. The same is disposed of.

VIBHU BAKHRU, J

SEPTEMBER 04, 2017

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