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

Date of Decision: 7th February, 2023

+ **W.P.(C) 11280/2017 and CM APPL. 46133/2017, 4082/2018**

**DELHI STATE LEGAL SERVICES AUTHORITY THROUGH
MEMBER SECRETARY** Petitioner

Through: Mr. Saurabh Kansal, Advocate (M-9958378565)

Ms. Harshita Mishra, Secretary
DSLISA.

versus

**CHEIF PUBLIC INFORMATION OFFICER
(CIPO) & ORS**

..... Respondents

Through: Ms. Gunjan Sinha Jain, Advocate for
R-2. (M: 9811387311)

CORAM:

JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh, J.(Oral)

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the Petitioner - Delhi State Legal Services Authority (DSLISA) challenging the impugned order dated 3rd August, 2017 passed by the CIC. By the said order, the Juvenile Justice Board (JJ Board) had been asked to reconstruct the file and furnish the documents sought by the RTI Applicant/ Respondent No.2 - D. Kumar in his RTI application under the Right to Information Act, 2005 (RTI Act).
3. The background of this case is that the RTI Applicant/ Respondent No.2 is the father of a minor victim who was subject to a chain-snatching incident. An FIR being FIR No. 312/2009 dated 20th July, 2009 was filed in PS Mandawali regarding the same.
4. The accused in the said incident were three individuals one of whom was a juvenile at the time of the incident. The RTI Applicant/ Respondent

No.2, accordingly, sought information from the JJ Board vide RTI application dated 14th March, 2017. The information sought under the said RTI application is as under:

- “1. Present status of the case in Juvenile Justice Board in respect of the Juvenile.*
- 2. Last date of hearing of the case in Juvenile Justice Board.*
- 3. Next date of hearing of the case in Juvenile Justice Board.*
- 4. All dates of hearing of the case on which the Juvenile was produced before the Juvenile Justice Board.*
- 5. Whether any charge sheet (Not PIR) in this case has been filed by the IO before the Justice Juvenile Board. If so, please provide a copy of the same.”*

5. The CPIO of the JJ Board vide reply dated on 23rd March, 2017 provided that the records sought in the RTI application have been destroyed. The said reply is as under:

“ The above referred application dated 14.03.2017 of Sh. D. Kumar, under Right to information Act has been forwarded to us to furnish the requisite information. It is informed that some of the records/cases had been burnt/destroyed in the unfortunate incident of 04.09.2010. Hence, the information with regard to queries raised in the said application cannot be provided as this Board does not have any record pertaining to FIR No. 312/09, PS Mandawali, PS-323/341/379/356/34 IPC.”

Thus, the stand of the JJB was that the record had been destroyed/burnt and was not available.

6. The said reply was appealed by the RTI Applicant/ Respondent No.2 before the first appellate authority which observed that the decision of the

CPIO, JJ Board is satisfactory and hence upheld the same. Thereafter, the RTI Applicant/ Respondent No.2 filed a second appeal before the CIC. The CIC vide the impugned order dated 3rd August, 2017, directed as under:

“Decision:

After hearing parties and perusal of record, the Commission notes that Respondent has not been able to provide information relating to year 2009 stating that it was destroyed in a fire accident in the year 2010, whilst in the custody of Court. The Respondent-Juvenile Justice Board is accordingly directed to reconstruct the file by seeking relevant documents from the Office Of the Chief Public Prosecutor who represents the State and whose office generally holds such records. The PIO, Juvenile Justice Board may obtain the necessary information from the probable custodian of information and upon reconstruction of the relevant file, provide the same to the appellant within four weeks of receipt of this order, under intimation to the Commission.

The appeal is thus disposed of.”

7. The DSLSA has filed the present petition challenging the impugned order passed by the CIC. Id. Counsel for the RTI Applicant/ Respondent No.2 raises an issue as to the *locus* of the DSLSA to challenge the impugned order of the CIC on behalf of the JJ Board.

8. After hearing the Id. Counsels for the parties it is clear that the RTI application is by a father of a minor who was involved in a chain snatching incident to know as to what was the final order passed by the JJ Board in the matter concerning his son.

9. In view of the same, without going into the legal issues that arise, it is directed that the information sought by the RTI Applicant/ Respondent No.2

may be considered by the JJ Board under Section 99(2) of the Juvenile Justice Act, 2015. The said provision reads:

“99(2) Notwithstanding anything contained in this Act, the victim shall not be denied access to their case record, orders and relevant papers.”

Accordingly, whatever information is available with the JJ Board shall be furnished to the RTI Applicant/ Respondent No.2. If any orders, complaints etc., are not available, the JJ Board is free to reconstruct the same and provide the same to the RTI Applicant/ Respondent No.2 under Section 99 of the Juvenile Justice Act 2015.

10. The legal issues raised in this petition are left open for consideration in an appropriate case. The JJ Board shall endeavour to provide information by 30th May, 2023.

11. The present order shall be communicated to the Secretary of the JJ Board by the Id. Counsel for the Petitioner with a direction to comply the same within the time period prescribed.

12. With these observations, the petition, along with all pending applications, is disposed of.

13. Ms. Harshita Mishra, Secretary DSLSA is present virtually and been apprised of the order.

PRATHIBA M. SINGH
JUDGE

FEBRUARY 7, 2023

dj/kt