

Third party can access judgment copy, papers under court rules, not RTI Act, says SC

APURVA VISHWANATH NEW DELHI, MARCH 4

LESS THAN four months after a five-judge bench of the Supreme Court opened the office of the Chief Justice of India to scrutiny under the Right to Information (RTI) Act, another bench of the top court on Wednesday ruled that court documents such as copies of judgments and pleadings can be obtained only if court rules permit it, and not under the RTI Act.

"The information is held by the High Court as a trustee for the litigants in order to adjudicate upon the matter and administer justice. The same cannot be permitted by the third party to have access to such personal information of the parties [litigants] or information given by the government in the proceedings. Lest, there would be misuse of process of court and the information and it would reach unmanageable levels," the bench comprising Justices R Banumathi, A S Bopanna and Hrishikesh Roy said.

The bench upheld Rule 151 of Gujarat High Court Rules, which allows access to certified copies of judgments, orders and pleadings to a third-party — or those not party to a case — only under the order of an officer of the court.

While RTI Act does not prohibit seeking such information, the petitioner sought the information under the statute, instead of the HC rules. "In the absence of inherent inconsistency between provisions of the RTI

Act and other law, overriding effect of RTI Act would not apply," the apex court held.

As per the rules, on filing of application with prescribed court fees stamp, litigants are entitled to receive copies of documents/judgments, etc. Third parties are not given copies of judgments and other documents without the assistant registrar's order. The registrar, on being satisfied about the reasonable cause for seeking the information/certified copies of the documents, allows access to the documents.

Bombay, Gujarat, Himachal Pradesh, Karnataka and Madras among other HCs have similar provisions for furnishing information or certified copies to third parties.

In a unanimous decision in November last year, a five-judge bench had said that "transparency does not undermine judicial independence" while bringing the CJ office under RTI.

In Wednesday's decision, the bench did not refer to the November 2019 decision and, instead, relied on a 2017 decision of Delhi HC, in which the court had denied information to a petitioner on why his special leave petition was dismissed. In practice, Supreme Court does not give reasons for dismissing an appeal. If admitted, notice is issued to the parties and the case is heard in detail.

"Since the issue before us is the High Court Rules vis-a-vis the RTI Act, we do not propose to refer the various observations of the case..." the bench said.

Tigress kills man in Ranchi zoo

Ranchi: A tigress killed a man at the Birsra Biological Park here on Wednesday after the youth jumped into the big cat's enclosure, an official of the zoo said.

"When the man, in his twenties, jumped into the enclosure of the tigress around 11.30 am, she attacked him on his neck, killing him instantly," the official said. The zoo was closed for some time following the incident, he said. One of the man's friends, who reached the zoo after he came to know about the incident, told the police that the deceased was "mentally unstable", the official said. PTI

Gold bars worth Rs 6.3 cr seized

Chennai: The Coast Guard and Directorate of Revenue Intelligence officials Wednesday recovered gold bars worth Rs 6.3 crore from the sea bed in the Gulf of Mannar off the Tamil Nadu coast. Two people have been arrested in this connection.

The two-day joint operation took place after DRI sources received a tip off that gold was being smuggled into India through sea from Sri Lanka. The team then approached the fishing boat on Tuesday and on seeing them, the two fishermen dropped the contraband covered in cloth bags mid-sea, the sources said. PTI

UNNAO CASE

Rape victim's father's death: Sengar, 6 others convicted

ANAND MOHAN J NEW DELHI, MARCH 4

A DELHI court on Wednesday convicted former MLA and expelled BJP leader Kuldeep Singh Sengar of culpable homicide not amounting to murder for the death of the Unnao rape victim's father.

District Judge Dharmesh Sharma also convicted Sengar's brother Jai Deep Singh alias Atul Singh, two policemen, and three other people under sections 120 B read with section 166, 167, 193, 201, 211, 218, 323, 341 and section 304 of the IPC, and section 3 of the Arms Act, 1959.

The court had initially framed charges of murder against Sengar. However, the judge while pronouncing the verdict, said, "His (Sengar) intention was not to commit murder... However, they beat up the victim in a brutal manner that led to his death." The judge said that the "doctors at the district hospital (where the father was treated) were negligent and



Kuldeep Singh Sengar

acted like butchers".

The court had clubbed the trial in two cases pertaining to the planting of a country-made pistol and the death of the rape victim's father. Sengar has already been convicted for the rape of the Unnao girl and is serving a life sentence.

According to court documents, Sengar was in Delhi and the three policemen in Unnao when they allegedly entered into a criminal conspiracy to "deter, intimidate or silence the victim and her father from proceeding with the complaint of alleged rape", and the victim, her parents and a sister, along with a co-

worker, were allegedly assaulted by Sengar's brother and four others accused to prevent them from proceeding to their residence.

The court relied on blood stains found on the police jeep and the exchange of call records to convict Sengar. The court said that "there was no scope for any doubt that Sengar was pulling all the strings and in conspiracy with the two policemen involved the victim in a false case of possession of illegal fire arms..."

The court said that the sequence of events "establishes clearly, beyond reasonable doubt, that under the patronage of accused Kuldeep Singh Sengar, his foot soldiers — namely Vineet Mishra, Birender Singh and Shashi Pratap Singh (and probably with others who could not be identified) — assaulted the victim with leg and fist blows by intermittently hitting him... with the barrel of the rifle."

While convicting the police station in-charge, Ashok Singh Bhadauria, and Sub Inspector, K

P Singh, the court said that they "being seasoned police officials, disobeyed the direction of law to protect the life and liberty of the victim... They allowed the assailants their protective police cover affording them a free hand to do what they did".

The court, however, acquitted four others accused — constable Amir Khan, Shailendra Singh, Ram Sharan Singh and Sharadveer Singh — giving them the benefit of the doubt.

The court said Sengar had a motive as he "was riled up over the pamphlets and whatsapp messages being circulated against him... his family, including accused Jai Deep Singh, and they were probably brewing with anger for long."

"Hence, no sooner the victim was sighted and had a scuffle with Shashi Pratap Singh, the news traveled thick and fast on mobile phones... The accused (Sengar) along with his brother agreed that the matter be dealt in a befitting way setting an example before every one in the village," the court said.

Vehicle frauds: 70 cases in Chennai point to Rajasthan's Bharatpur district

ARUN JANARDHANAN CHENNAI, MARCH 4

ABOUT 70 complaints by OLX users in Chennai, alleging that they were cheated by sellers posing as Army officers, have led Chennai police to Bharatpur in Rajasthan.

According to the complaints, the modus operandi in these cases was that accounts created on the online portal in the name of Army officers posted advertisements for sale of vehicles. Some of these seller profiles also had photos of Army officers' IDs and of them in their uniforms. Although OLX insists that customers make deals through their app, many of these complainants called the sellers' private number in the advertisement.

"Once they called and spoke to the 'Army officer' selling the vehicle, they were convinced and immediately transferred the amount through digital wallets. Within a week or two, they realised there is an unusual delay in the delivery of the vehicle and found the phone number switched off. We have received some 70 similar complaints and Kerala, Andhra, Telangana have reported hundreds of such cases," said Deputy Joint Commissioner Saravana Kumar. Tamil Nadu Central Crime Branch's Additional Commissioner C Easwara Moorthy directed the Deputy Commissioner G Nagajothi to form a team and get the cases probed. Kumar was tasked to head the team.

When police traced the numbers used in the fraud cases,

most of them led to Rudawal village in Bharatpur district. While 85 per cent of the calls originated from the Bharatpur region, Alwar district in Rajasthan and Mewar and Punhana in Haryana were found to be the other hotbeds of such frauds.

On Friday, a team of seven police officers headed by Kumar arrested two suspects from Bharatpur and took them to Chennai. According to Kumar, it may be near impossible to bust the entire gang as almost the entire region has so many people involved in similar crimes.

What led to the arrest of the two persons last week was a pattern noticed with a bank account in Punjab National Bank's Bharatpur branch in which at least 10 complainants deposited money. "We traced this bank account. But soon we learnt that account holder had transferred the amount to his wife's account. When we questioned him at Bharatpur, he claimed that he was merely handling money for people from Rudawal. We traced the movement of two people actively part of the scam from Rudawal to Bharatpur town and nabbed them when they came out of their villages," Kumar said.

An officer who visited Bharatpur for the investigation said they met the Panchayat leader. "He said it is not a news for them. He casually said that he has been telling people to avoid this but that no one listened to him," the officer said.

"We have received information about 10 more specific persons and we will soon seek help of Rajasthan officers for their arrest," Kumar said.

Uttarakhand govt names Gairsain as new summer capital of state

LALMANI VERMA GAIRSAIN, MARCH 4

UTTARAKHAND Chief Minister Trivendra Singh Rawat on Wednesday named Gairsain as the new summer capital of the state, partially fulfilling an over two-decade demand by statehood crusaders to make it the permanent capital.

Rawat made the announcement immediately after concluding his budget speech on the third day of the assembly session convened in Gairsain.

Uttarakhand was carved out as a separate state from Uttar Pradesh in 1988. Statehood activists had long contended that Gairsain, a tehsil in Chamoli district, was best suited to be the capital of the mountainous state as it was a hilly region falling on the border of Kumaon and Garhwal regions.

But it was Dehradun, located in the plains, that served as the temporary capital. With the fresh announcement, there is no clarity on either the city's current status or a new winter capital. "We will take a decision after discussions," said Rawat.

"I dedicate this an-



The Vidhan Bhawan building in Gairsain, Uttarakhand. Express

nouncement to the people who sacrificed themselves for the formation of Uttarakhand state. Decision has been taken for summer capital. It is a historic moment," he said.

The Chief Minister also said that infrastructural measures, such as ensuring availability of water, have been carried out in the tehsil.

Rawat said that the BJP in its Vision Document released before the 2017 Assembly elections had promised to equip Gairsain with top-class infrastructure and consider declaring it as a summer capital with "consensus of all". But another promise on "permanent capital" made in the

document remains incomplete. The state Assembly is located in Dehradun, but sessions are held in Gairsain as well.

State Congress chief Pritam Singh hit out at the government for not declaring Gairsain a permanent capital.

Leader of Opposition Indira Hridayesh said the Congress had been taken by surprise with the sudden announcement. "Women and youths who had sacrificed their lives for Uttarakhand state will not forgive the BJP government for this. When Congress will come to power, the area surrounding Gairsain will be equipped with infrastructure and it will be made a permanent capital."

State govt presents Rs 53,526-cr Budget

Gairsain: The Uttarakhand government on Wednesday proposed an allocation of Rs 1,265 crore for the Kumbh Mela to be held next year in the state in its budget for financial year 2020-21.

It also allocated Rs 295 crore for land acquisition to develop Jollygrant Airport into an international hub. The Rs 53,526-crore budget also announced schemes for pregnant women and the girl child. The Budget also announced the launching of the 'Ek Bharat Shrestha Bharat' scheme to educate teachers and students on India's integrity and unity in diversity. ENS

UK 'concerned' over potential impact of CAA

ADITI KHANNA LONDON, MARCH 4

THE UK government has reiterated its concern over the potential impact of the Citizenship (Amendment) Act (CAA) and said it is continuing to follow the events in India closely.

In response to an urgent question on "Recent Violence in India" tabled by Pakistani-origin Labour MP Khalid Mahmood in the House of Commons on Tuesday, UK's Minister of State in the Foreign and Commonwealth Office (FCO) Nigel Adams said the UK engages with India at all levels.

"The UK government also has concerns about the potential impact of the legislation (CAA)," said Adams, the Minister for Asia who was standing in for UK Foreign Secretary Dominic Raab, who is on a visit to Turkey. "It is because of our close relationship with the government of India that we are able to dis-

cuss difficult issues with them and make clear our concerns where we have them, including on the rights of minorities. We will continue to follow events closely and to raise our concerns when we have with them," Adams said.

The Indian government has maintained that the CAA is an internal matter of the country and stressed that the goal is to protect the oppressed minorities of neighbouring countries.

While Mahmood described the government response as "facile", another Pakistani-origin MP Nusrat Ghani called on the government to relay the UK Parliament's concerns to the Indian authorities.

British Sikh Labour MP Tanmanjeet Singh Dhesi said the violence had brought back "painful personal memories" from the 1984 Sikh riots while he was studying in India and fellow Sikh MP Preet Kaur Gill also referenced 1984 in her intervention. PTI

CORRIGENDUM NOTICE SUBJECT: Tender No. OP2/14/2019-20 DNIT for the replacement of obsolete and old 11 VCB and allied items at 66 Grid Sub Stn. Industrial Area, Phase-I & II and 33 KV grid Sub Stn. Industrial Area, Phase-I, Chandigarh.

BEFORE DEBTS RECOVERY TRIBUNAL-III, DELHI 4th Floor, Jeevan Tara Building, Parliament Street, New Delhi-110001 Notice under Section 19(4) of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 read with Rule 12 & 13 of the Debts Recovery Tribunal (Procedure Rules) 1993.

HIMACHAL PRADESH STATE ELECTRICITY BOARD LTD. (A State Govt. Undertaking) "CORRIGENDUM-III" The date of sale, submission and opening of tender for "CONSTRUCTION OF 2 Nos 132 KV DOUBLE CIRCUIT TRANSMISSION LINE BAYS FOR POWER EVACUATION OF 25 MW, KU HYDRO POWER Pvt. Ltd. HEP, LAMBADUG AT 132 KV SWITCHYARD OF 66 MW BASSI POWER HOUSE, JOGINDERNAGAR DISTRICT-MANDI (HP)"

WESTERN RAILWAY-RAJKOT DIVISION INTEGRATED COMPREHENSIVE TURN KEY CONTRACT & ON BOARD HOUSE KEEPING SERVICES Tender Notice No. M-2020-05-MCC-OBHS-Okha Dt: 27.02.2020 (Two Packets System)

SOUTH CENTRAL RAILWAY Open e-Tender Notice On behalf of President of India, the undersigned invites e-tenders for the following works up to 15.00 hrs on 26.03.2020.

OFFICE OF THE MANAGING DIRECTOR JAMMU & KASHMIR INDUSTRIES LIMITED Ground Floor, Jawarlal Nehru Udyog Bhavan, Railhead Complex, Jammu, J&K CORRIGENDUM NOTICE In reference to the tender floated under Reference No. JKI/BWM/WPT001/20 for Supply of Wool & Polyester Tops for Government Woollen Mills, Bemina, Srinagar, J&K

MANGALORE ELECTRICITY SUPPLY COMPANY LIMITED (A Government of Karnataka undertaking) Corporate Office, MESCOM Bhavana, Kavour Cross Road, Bejai, Mangaluru - 575004. Ph: 0824-2885795 E-mail: sepmescom@rediffmail.com CIN: U40109 KA 2002 SGC 030425

GOVERNMENT OF TAMIL NADU HIGHWAYS DEPARTMENT Madurai (Construction and Maintenance) Circle TENDER NOTICE Tender Notice No.22/2019-20/HDO/Dated: 04.03.2020 For and on behalf of the Governor of Tamilnadu, Percentage tender through online only will be received upto 07.04.2020 - 14.00 hrs by the Superintending Engineer (H) C&M, Madurai Circle for PERMANENT RESTORATION WORKS 2019-20 under CRIDP, (Package No.104 to Package No.111) pertaining Dindigul (H)(C&M) Division.

TAMIL NADU ENERGY DEVELOPMENT AGENCY (A Govt of Tamil Nadu Undertaking) V Floor, EVK Sampath Maaligai, 68 College Road, Chennai - 600006 TENDER NOTICE Name of the Works: (1) Tender for Design, Supply, Installation, Commissioning and 15 years Operation & Maintenance of Grid Tied Ground Mounted Solar Power plant of 170kWp (95kWp+75kWp) at Irumbai village in Tamil Nadu.