

APPLICATION UNDER RIGHT TO INFORMATION ACT-2005

Subhash.S  
 Gallery  
 Poundkadavu  
 Valiyaveli-PO  
 Trivandrum-695021  
 Tele: 0471-2414880  
 Email: gallery@bsnl.in

The Central Public Information Officer  
 Additional Registrar/CPIO  
 Supreme Court of India  
 New Delhi


22.11.2013

Sir,

I have the honor to request that the information for the following may please be provided under RTI Act-2005 in the same format. *(This application in word format has been sent to the email: supremecourt@nic.in and a signed copy by Ordinary India Post along with Indian Postal Order worth Rs. 10/- 00F 973794 dtd. 22.11.2013).*

1	The use of Cone shaped Metal Loudspeaker has been banned in the year 2000 by the Honorable Supreme Court to save people from its ill-effects on their health, but the ban has not been implemented in Kerala State. People are suffering but unable to make complaint fearing retaliation. It is being used in a competitive and abusive manner. It is a Health hazard and Public nuisance. Is the Rule still active?	
2	If the Rule is still active, who is responsible to implement it effectively in Kerala State?	
3	If the Rule is active and not implemented in Kerala State. Is it a Contempt of Court?	
4	Is there any relaxation in this Rule?	
5	If there is relaxation, then for how many minutes at a stretch, it is permitted?	
6	If there is relaxation, then for total how many minutes out of 24 hours, it is permitted?	
7	If there is relaxation, then in what intensity in decibel unit, it is permitted?	
8	If there is relaxation, then what is the distance in Meters, beyond that it should not be audible?	
9	Both the Metal Loudspeaker ban-2000, and the Sun Control Film ban-2012 are from the Honorable Supreme Court. The 2012 Rule has been quickly implemented very effectively, and huge amount has been levied as fine from the defaulters. But the 2000 Rule has not been implemented at all. Defaulters are not fined. Is there any specific reason for this discrimination?	
10	As the Sun Control Film on vehicle has been banned, people save themselves from hot Sun by using towel/curtain on the wind shield. Is it permitted?	

Yours truly,

  
 (Subhash.S)

<p><b>COUNTERFOIL</b></p> <p>इसे काटकर भेजक अपने पास रखें। To be detached and kept by the Sender.</p> <p><b>पोस्टल आर्डर</b> <b>रुपए 10.00 Rs.</b> <b>POSTAL ORDER</b></p> <p>किसी को भेजना To whom payable <b>Registrar/Accounts Officer Supreme Court of India New Delhi</b></p> <p>किस कार्यालय में At what Office <b>New Delhi</b></p> <p>क्या इसे कट दिया है Whether crossed <b>No</b></p> <p>भेजने की तारीख Date sent <b>22.11.13</b></p> <p>OOF 973794</p>	<p>हर देका इतना ही है... १००००० रु. के लिए १००००० पैसे का आदेश। इस दस्तावेज़ पर दहा रुपये का मूल्य है।</p> <p><b>भारतीय पोस्टल आर्डर</b> <b>INDIAN POSTAL ORDER</b></p> <p>भारत के पोस्टल डायरेक्टर DIRECTOR GENERAL OF POSTS</p> <p><b>PAID TO Registrar/Accounts Officer Supreme Court of India New Delhi</b></p> <p>इस रूपए की रकम THE SUM OF RUPEES TEN ONLY</p> <p><b>रुपए 10.00 Rs.</b></p> <p>कमीशन COMMISSION के 50 PAISE</p> <p>भेजक अपना नाम और पता यहाँ लिखें। SENDER MAY FILL IN HIS NAME AND ADDRESS HERE.</p> <p><b>Subhash S Gallery Poundkadavu Valiyaveli - PO Tiruvandrum - 695021</b></p> <p>केंद्र कार्यालय में भेजा करें। DO NOT WRITE BELOW THIS LINE</p> <p>OOF 973794</p>
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**Subhash**

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**From:** "SCI" <supremecourt@nic.in>  
**To:** <gallery@bsnl.in>  
**Sent:** Tuesday, December 24, 2013 5:07 PM  
**Subject:** Dy. No.322/N-RTI/13-14/SCI

Dy. No.322/N-RTI/13-14/SCI  
Dated:December 24, 2013

From: Smita Vats Sharma  
Addl. Registrar/CPIO,

To: Shri Subhash S  
gallery@bsnl.in

Sub: **Application under Right to Information Act, 2005**

Sir,

With reference to your application dated 21/11//2013 received by the undersigned on 27/11//2013, I write to say that application fee of Rs.10/- either in cash or by way of Indian Postal Order or by Money Order or Demand Draft drawn in favour of Registrar/Accounts Officer, Supreme Court of India is required for seeking information under the Right to Information Act, 2005 and not by the way of court fee stamps. Your application is defective.

Yours faithfully,  
Sd/-  
(Smita Vats Sharma)

12/31/2013

Sir,

The reply below by you says my application is defective. But the cause stated by you is not true, I have **duly sent the Postal Order** worth Rs.10/- 00F 973794 dtd. 22.11.2013 along with the RTI application. Please provide the RTI information sought by me immediately or state the TRUE facts enabling me to file RTI Appeal-1 before the appellate authority.  
The first application along with the Postal Order copy is attached.

Yours Truly,



Subhash S  
Gallery  
Poundkadavu  
Valiyaveli-PO  
Trivandrum-695021  
Tele: 0471-2414880  
Email: [gallery@bsnl.in](mailto:gallery@bsnl.in)

APPLICATION UNDER RIGHT TO INFORMATION ACT-2005

Subhash.S (Ex-Air Force)  
Gallery  
Poundkadavu  
Valiyaveli-PO  
Trivandrum-695021  
Tele: 0471-2414880  
Email: gallery@bsnl.in

The Central Public Information Officer  
CPIO/Additional Registrar  
Supreme Court of India  
New Delhi

31.12.2013

Sir,

- Ref:- (1) My RTI Application dated 22.11.2013.  
(2) Your Email RTI Reply Dy. No.322/N-RTI/13-14/SCI dated 24.12.2013.  
(3) My Email response dated 25.12.2013 upon Ref. No.2.

Even though I have duly sent *Indian Postal Order worth Rs.10/- 00F 973794 dtd. 22.11.2013* along with my RTI application dated 22.11.2013, I am sending E-Money Order worth Rs.10/- (E-MO PNR No: 056291131231007206) as fee once again in favour of Registrar/Accounts Officer, Supreme Court of India for the information sought through the RTI application dated 22.11.2013. It is being done as per your letter Dy. No.322/N-RTI/13-14/SCI dated 24.12.2013.

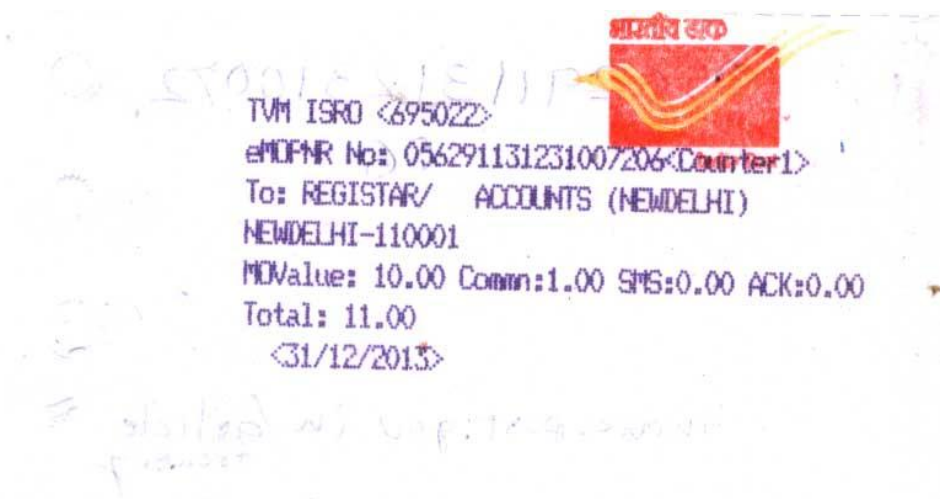
I have sent a reply on 25.12.2013 upon your email on 24.12.2013, but you are yet to respond.

So I hereby humbly request that the information for the following may please be provided in the same format under RTI Act-2005.

Yours truly,



(Subhash.S)



## APPLICATION UNDER RIGHT TO INFORMATION ACT-2005 APPEAL-1

Subhash.S  
 Gallery  
 Poundkadavu  
 Valiyaveli-PO  
 Trivandrum-695021  
 Tele: 0471-2414880  
 Email: gallery@bsnl.in

The First Appellate Authority/Registrar  
 Supreme Court of India, New Delhi

13.1.2014

Sir,

An application under RTI Act-2005 has been submitted to CPIO, Supreme Court of India on 22.11.2013, but the information sought by me was not provided with in the specific time. An Email reply has been send by CPIO on 24.12.2013 and received on same day (copy is attached). In that reply CPIO said my application is defective because I have not sent the application fee of Rs.10/- in the prescribed manner. This statement by the CPIO is absolutely FALSE, and it took a month to find this lame excuse for not providing the information sought by me.


I have duly sent *Indian Postal Order worth Rs.10/- 00F 973794 dtd. 22.11.2013* along with my first application dated 22.11.2013, and a scanned copy of *Indian Postal Order* was also attached with the email sent on 22.11.2013 to supremecourt@nic.in addressed to CPIO.

As the CPIO made the FALSE accuse, I have sent E-Money Order worth Rs.10/- (E-MO PNR No: 056291131231007206) on 31.12.2013 in favour of Registrar/Accounts Officer, Supreme Court of India as fee again, with the expectation of receiving the RTI information in time. It is being done according to the letter Dy. No.322/N-RTI/13-14/SCI dated 24.12.2013.

So I hereby humbly request that the information for the following may please be provided in the same format under RTI Act-2005 Appeal-1. (*The application in WORD and PDF format has been sent to the email: supremecourt@nic.in and a signed copy by India Post.*)

1	The use of Cone shaped Metal Loudspeaker has been banned in the year 2000 by the Honorable Supreme Court to save people from its ill-effects on their health, but the ban has not been implemented in Kerala State. People are suffering but unable to make complaint fearing retaliation. It is being used in a competitive and abusive manner. It is a Health hazard and Public nuisance. Is the Rule still active?	
2	If the Rule is still active, who is responsible to implement it effectively in Kerala State?	
3	If the Rule is active and not implemented in Kerala State. Is it a Contempt of Court?	
4	Is there any relaxation in this Rule?	
5	If there is relaxation, then for how many minutes at a stretch, it is permitted?	
6	If there is relaxation, then for total how many minutes out of 24 hours, it is permitted?	
7	If there is relaxation, then in what intensity in decibel unit, it is permitted?	
8	If there is relaxation, then what is the distance in Meters, beyond that it should not be audible?	
9	Both the Metal Loudspeaker ban-2000, and the Sun Control Film ban-2012 are from the Honorable Supreme Court. The 2012 Rule has been quickly implemented very effectively, and huge amount has been levied as fine from the defaulters. But the 2000 Rule has not been implemented at all. Defaulters are not fined. Is there any specific reason for this discrimination?	
10	As the Sun Control Film on vehicle has been banned, people save themselves from hot Sun by using towel/curtain on the wind shield. Is it permitted?	

Yours truly,

  
 (Subhash.S)

Dy. No.2110/RTI/13-14/SCI  
Dated:January 22, 2014

From: Smita Vats Sharma  
Addl. Registrar/CPIO,

To: Sh. Subhash S  
gallery@bsnl.in

**Sub: Application under Right to Information Act, 2005.**

Sir,

With reference to your two emails dated 25.12.2013 & 31.12.2013 received by the undersigned on 2.1.2014, I write to inform you as under:

Point No.1, 2 & 4-10: It is beyond the jurisdiction and scope of the duties of the CPIO, Supreme Court of India under the Right to Information Act, 2005 to interpret the law, judgments/orders of this Hon'ble Court or of any other Court, to give explanation, opine, comment or advise on matters. Your request is not covered under Section 2(f) of the Right to Information Act, 2005 and cannot be acceded to.

Point No.3: You may if so advised, refer to the Supreme Court Rules, 1966 and Supreme Court of India, Practice and Procedure, 'A Handbook of Information' regarding filing/hearing/listing of cases in the Supreme Court of India which is available on the website of this Hon'ble Court viz [www.sci.in](http://www.sci.in) and can be accessed/downloaded therefrom.

Shri Sunil Thomas, Registrar, Supreme Court of India is the First Appellate Authority under the Right to Information Act, 2005 and the appeal, if so advised, can be filed within 30 days from the receipt of this reply.

Yours faithfully,  
Sd/-  
(Smita Vats Sharma)

## APPLICATION UNDER RIGHT TO INFORMATION ACT-2005 APPEAL-2

Subhash.S  
 Gallery  
 Poundkadavu  
 Valiyaveli-PO  
 Trivandrum-695021  
 Tele: 0471-2414880  
 Email: gallery@bsnl.in

The Central Information Commission  
 R.No.326, C-Wing, II Floor  
 August Kranti Bhavan  
 Bhikaji Cama Place  
 New Delhi-110066

14.3.2014

Sir,

An application under RTI Act-2005 has been submitted to CPIO, Supreme Court of India on 22.11.2013, and Appeal-1 to Appellate Authority, Supreme Court of India on 13.1.2014, but none of the information sought by me was provided till date.

So I hereby humbly request for your kind action to get information for the following in the same format under RTI Act-2005 Appeal-2.

1	The use of Cone shaped Metal Loudspeaker has been banned in the year 2000 by the Honorable Supreme Court to save people from its ill-effects on their health, but the ban has not been implemented in Kerala State. People are suffering but unable to make complaint fearing retaliation. It is being used in a competitive and abusive manner. It is a Health hazard and Public nuisance. Is the Rule still active?	
2	If the Rule is still active, who is responsible to implement it effectively in Kerala State?	
3	If the Rule is active and not implemented in Kerala State. Is it a Contempt of Court?	
4	Is there any relaxation in this Rule?	
5	If there is relaxation, then for how many minutes at a stretch, it is permitted?	
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8	If there is relaxation, then what is the distance in Meters, beyond that it should not be audible?	
9	Both the Metal Loudspeaker ban-2000, and the Sun Control Film ban-2012 are from the Honorable Supreme Court. The 2012 Rule has been quickly implemented very effectively, and huge amount has been levied as fine from the defaulters. But the 2000 Rule has not been implemented at all. Defaulters are not fined. Is there any specific reason for this discrimination?	
10	As the Sun Control Film on vehicle has been banned, people save themselves from hot Sun by using towel/curtain on the wind shield. Is it permitted?	

Yours truly,



Subhash.S)

Enclosed self attested copies of:-

1. First RTI Application dtd. 22.11.2013 along with an Indian Postal Order worth Rs.10/- 00F 973794 dtd. 22.11.2013.
2. Email response from CPIO Dy. No.322/N-RTI/13-14/SCI dated 24.12.2013.
3. My response along with an E-MO PNR No: 056291131231007206 receipt dtd. 31.12.2013.
4. Another Email response from CPIO Dy. No.2110/RTI/13-14/SCI dtd. 22.1.2014.
5. RTI Appeal-1 dtd. 13.1.2014.
6. Response letter No.F.1/RTI/A.37/2014 from Appellate Authority dtd. 16.1.2014.



BEFORE APPELLATE AUTHORITY UNDER RTI ACT  
SUPREME COURT OF INDIA  
APPEAL NO. 37 OF 2014

Shri Subhash.S.,  
Gallery,  
Poundkadavu,  
Valiyaveli-P.O.  
Trivandrum-695 021.

... Appellant

Versus

Ms. Smita Vats Sharma,  
Additional Registrar &  
Central Public Information Officer,  
Supreme Court of India,  
New Delhi

... Respondent

(Delivered on 7<sup>th</sup> March, 2014)

O R D E R

This appeal arises from the reply of the CPIO dated 24.12.13 in D.No.322/RTI/13-14/SCI. In reply to the application dated 21.11.13 the CPIO replied that the application is defective, since it was not accompanied by the requisite fee.

Not satisfied with the reply, the appellant has preferred this appeal. Notice of appeal was issued. Examined the records including his letter dated 13.1.14.



Contd.....2

His consistent case in the appeal is that he had duly sent the Indian Postal Order dated 22.11.13 along with his application dated 22.11.13 and scanned copy was forwarded by e-mail.

However, there is nothing on record to show that the postal order was received by the office for the present application. In the above circumstances, I have no reason to disbelieve the version of the CPIO.

The appeal is without any merit and is dismissed.

The Appellant, if aggrieved by this Order, is entitled to file a second Appeal before the Central Information Commission, 2nd Floor, 'B' Wing, August Kranti Bhawan, Bhikaji Cama Place, New Delhi-110 066 under Section 19 (3) of the Right to Information Act within 90 days from the date of communication of this Order.

Dated this the 7<sup>th</sup> day of March, 2014.

*ST*  
( SUNIL THOMAS )  
APPELLATE AUTHORITY  
UNDER RIGHT TO INFORMATION ACT



**CENTRAL INFORMATION COMMISSION**  
2<sup>nd</sup> Floor, 'B' Wing, August Kranti Bhavan,  
Bhikaji Cama Place, NEW DELHI-110 066  
TEL: 011-26717355

**Appellant:** ✓ Appeal No. CIC/RM/A/2014/001481  
Shri Subhash S.,  
R/o Gallery Poundkadavu,  
Valiyaveli-PO,  
Trivandrum - 695021.

**Respondent:** Central Public Information Officer,  
Addl. Registrar,  
Supreme Court of India,  
Tilak Marg,  
New Delhi 110001.

**Date of Hearing:** 2.3.2016

**Date of Decision:** 2.3.2016

**ORDER**

**RTI application:**

1. The appellant filed an RTI application dated 22.11.2013 seeking information on 10 points regarding ban by Supreme Court on use of cone shaped metal loud speaker, who is responsible to implement the rules and related matters. The CPIO responded on 24.12.2013 informed the appellant that fee of Rs.10/- either in cash or by way of Indian Postal Order by Money Order or Demand Draft drawn in favour of Registrar/Accounts Officer, Supreme Court of India is required for seeking information. The appellant vide letter dated 31.12.2013 informed the respondent CPIO that he is sending E-Money Order worth Rs.10/- as fee once again in favour of Registrar/Accounts Officer, Supreme court of India for the information sought through the RTI application dated 21.11.2013. The PIO responded to the appellant on 22.1.2014 on all the points of the RTI application. The appellant filed first appeal dated 13.1.2014 before the first appellate authority (FAA).

The response of FAA is not on record. The appellant filed a second appeal dated 14.3.2014 with the Commission.

**Hearing:**

2. The appellant was heard through video conferencing. The respondent was present personally.

3. The appellant referred to his RTI application dated 22.11.2013 and stated that he is not satisfied with the CPIO reply.

4. On point 1, 2 & 4 to 10, the respondent stated that vide letter dated 22.1.2014 they have informed the appellant that it is beyond the jurisdiction and scope of the duties of the CPIO to interpret the law, judgments/orders of this Hon'ble Court or any other court, to give explanation, opine, comment or advise on matters. The respondent stated that appellant's request is not covered under Section 2(f) of the RTI Act and cannot be acceded to.

5. During the course of the hearing, the appellant enquired whether Supreme Court's order can still be implemented in the Kerala State.

6. The respondent stated that Supreme Court's order is applicable all over India.


**Discussion/Observations**

7. The action/steps taken by the respondent in dealing with RTI application are satisfactory.


**Decision:**

8. The Commission's intervention is not required in the matter.

The appeal is disposed of. Copy of decision be given free of cost to the parties.

  
(Radha Krishna Mathur)  
Chief Information Commissioner

Authenticated true copy

  
( Prakash )  
Deputy Registrar