

**CENTRAL INFORMATION COMMISSION**  
**2nd Floor, 'B' Wing, August Kranti Bhawan,**  
**Bhikaji Cama Place, New Delhi -110066**  
**Tel : +91-11-26717355**

**Appeal No. CIC/RK/A/2016/001316**

Appellant: Prayas Dansana  
Post Graduate Department of Law Sambalpur  
University, Jyoti Vihar, Burla, Sambalpur Odisha-  
768019

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

Date of Hearing: 29.11.2016  
Dated of Decision: 29.11.2016

**ORDER**

**Facts:**

1. The appellant filed RTI application dated 10.11.2015 seeking copy of the letter/correspondence issued to the Home Secretaries of State of Odisha with reference to direction given by the Hon'ble Supreme Court in the case of State of Gujarat V. Kishanbhai (Criminal Appeal No. 1485) judgement dated 07.01.2014, to its Registry.
2. The CPIO responded on 10.12.2015. The appellant filed first appeal on 13.01.2016 with the First Appellate Authority (FAA). The FAA responded on 04.02.2016. The appellant filed appeal on 26.05.2016 before the Commission with the plea that the sought for information has not been provided to him.

**Hearing:**

3. The appellant and the respondent both participated in the hearing.
4. The appellant stated that he is seeking copy of the letter/s issued to the Home Secretary of State of Odisha and response of the Government of Odisha in pursuant to the direction given by the Hon'ble Supreme Court in

decision dated 07.01.2014 in the case of State of Gujarat V. Kishanbhai (Criminal Appeal No. 1485 of 2008).

5. The appellant stated that the rejection grounds are not covered under Section 8 and 9 of the RTI Act. The appellant stated that the ground of the rejection is not applicable in his case because he is not seeking certified copy of pleadings, judgment, decree or orders, documents and deposition of witness made or exhibited in the said proceedings. The appellant stated that the sought for information is not part of the judicial record. The appellant stated that the sought for letter was issued by the Registry of the Hon'ble Supreme Court. The appellant stated that in view of Section 22 of the RTI Act the provisions of RTI Act have got overriding effect on any other law in force. The appellant stated that the direction given by the Hon'ble Supreme Court in the aforesaid case is relating to reforms in general administration, training and investigation process of police. The appellant stated that in the public interest the sought for information should be provided to him.

6. The respondent stated that the sought for information is a part of judicial record and the appellant is not a party in the case. The respondent stated that the appellant vide letter dated 10.12.2015 was informed that the desired documents may be obtained under the provisions of Order XIII, Rule 2 read with Order V, Rule 2(37) of the Supreme Court Rules 2013 which are available on the Supreme Court website viz [www.sci.nic.in](http://www.sci.nic.in). For this advice, the respondent relied upon the this Commission's earlier decisions CIC/RM/A/2014/004655 dated 09.03.2016 and CIC/SM/A/2011/000237/SG dated 11.05.2011.

7. The respondent stated that the first appellate authority vide its order dated 04.02.2016 had disposed of the first appeal having concurred with the findings of the CPIO.

**Discussion/ observation:**

8. This Commission, in its decision CIC/RM/A/2014/004655 dated 09.03.2016 held that the provisions of the Right to Information (RTI) Act cannot override the rules and orders made by the Supreme Court of India for disclosure of certified copies of judicial records mainly because there is

nothing inconsistent in those rules and orders. The common objective of both the Right to Information (RTI) Act and the rules and orders of the Supreme Court of India is disclosure of information. Therefore, any citizen seeking certified copies of judicial records may get such records by adopting the procedure prescribed by the Supreme Court and not under the Right to Information (RTI) Act.

9. The High Court of Delhi in W.P. (C) 11271/2009 decided on 01.06.2012 in the matter of Registrar of Companies & Ors. Vs. Respondent: Dharmendra Kumar Garg & Anr. held inter alia that “Therefore, if another statutory provision, created under any other law, vests the right to seek information and provides the mechanism for invoking the said right (which is also statutory, as in this case) that mechanism should be preserved and operated, and not destroyed merely because another general law created to empower the citizens to access information has subsequently been framed.”

10. The action/steps taken by the respondents in dealing with RTI application are satisfactory. It is observed that the requested information is part of judicial record thus, the ratio of decision of the High Court of Delhi in W.P. (C) 11271/2009 decided on 01.06.2012 is applicable in this case also.

**Decision:**

11. No further intervention of the Commission is required in the matter.

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

**(Radha Krishna Mathur)**  
**Chief Information Commissioner**

Authenticated true copy

(S.C. Sharma)  
Dy. Registrar