

**B hCENTRAL INFORMATION COMMISSION**

**2nd Floor, 'B' Wing, August Kranti Bhawan,**

**Bhikaji Cama Place, New Delhi -110066**

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**Appeal No.CIC/HCOST/A/2016/302947,**

**CIC/HCOST/A/2016/302949,**

**CIC/HCOST/A/2016/299710,**

**CIC/HCOST/A/2016/299708**

Appellant: Sh. R K Jain  
1512-B, Bhishm Pitamah Marg,  
Wazir Nagar, New Delhi-110003,  
Delhi, South Delhi, 110003

Respondent: Central Public Information Officer  
1. CPIO, Registrar (Admn.)  
High Court of Madras, Chennai  
600104, T.N  
2. CPIO, Registrar (Admn.)  
Madurai Bench of Madras  
High Court, Madurai

Date of Hearing: 08.08.2017

Dated of Decision: 08.08.2017

**ORDER**

**Facts:**

**Appeal No.CIC/HCOST/A/2016/302947**

1. The appellant filed RTI application dated 05.04.2016 seeking information in relation to several orders of the Hon'ble High Court viz, the details of the impugned orders (in relation to the order of the Hon'ble High Court) which have not been uploaded on the website of High Court of Madras: W.P. (MD) No. 2668 of 2014 (R. Ramraj v. C.C.E., Tirunelveli); W.P. (MD) No. 1 of 2014 in W.P.(MD) No. 5988 of 2014 (K.K. Explosives v. UOI & Ors.); etc.

2. The CPIO responded on 23.05.2016 providing the requested information. The appellant filed First Appeal dated 21.05.2016 with First Appellate Authority (FAA). The FAA responded on 26.07.2016. The appellant filed second appeal on 15.09.2016 before the Commission on the ground that information should be provided to him.

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3. The appellant filed RTI application dated 09.12.2015 seeking information in relation to several orders of the Hon'ble High Court viz, the details of the impugned orders ( in relation to the order of the Hon'ble High Court) which have not been uploaded on the website of High Court of Madras: M.P. (MD) Nos. 1 & 1 of 2014, W.P. (MD) Nos. 5690 & 5704 of 2014 (National Trading Company & Ors. v. UOI & Ors.); M.P. No. 2 of 2012 in W.P. No. 23050 of 2012 (Sri Ravichandra Spinners (P) Ltd. V CEGAT, Chennai & Ors.); etc.

4. The CPIO responded on 22.05.2016 providing the requested information. The appellant filed First Appeal dated 21.05.2016 with First Appellate Authority (FAA). The FAA responded on 17.08.2016. The appellant filed second appeal on 15.09.2016 before the Commission on the ground that information should be provided to him.

**Appeal No. CIC/HCOST/A/2016/299710**

5. The appellant filed RTI application dated 31.03.2016 seeking information in relation to several orders of the Hon'ble High Court viz, the details of the impugned orders (in relation to the order of the Hon'ble High Court) which have not been uploaded on the website of High Court of Madras: W.P. No. 4391 of 2013, M.P. No. 1 of 2013, W.P. (MD) No. 1499 of 2008 (K. Baluchamy v. C.C., Trichirapalli & Ors.); etc.

6. The CPIO response is not on record. The appellant filed First Appeal dated 14.05.2016 with First Appellate Authority (FAA). The FAA response is not on

record. The appellant filed second appeal on 19.08.2016 before the Commission on the ground that information should be provided to him.

**Appeal No. CIC/HCOST/A/2016/299708**

7. The appellant filed RTI application dated 31.03.2016 seeking information in relation to several orders of the Hon'ble High Court viz, the details of the impugned orders (in relation to the order of the Hon'ble High Court) which have not been uploaded on the website of High Court of Madras: W.P. Misc. Petition No. 15421 of 2005, W.P. No. 14102 of 2005 (K. Narendra Babu v. CESTAT, Chennai); W.P. No. 12918 of 1998 (K. Natarajan v. C.C., Chennai); etc.

8. The CPIO response is not on record. The appellant filed First Appeal dated 14.05.2016 with First Appellate Authority (FAA). The FAA response is not on record. The appellant filed second appeal on 19.08.2016 before the Commission on the ground that information should be provided to him.

**Hearing:**

9. The respondent Shri V Jaishankar (Joint Registrar-in-charge) from Madras High Court and Shri Sampat Kumar (Dy. Registrar, Admin) from Madurai Bench participated in the hearing through VC. The appellant participated in the hearing in person.

10. The appellant stated that his four cases listed for hearing are identical and can be heard together. The appellant stated that for the sake of convenience, the facts of the case no. **CIC/HCOST/A/2016/302947** can be considered. The appellant stated that he has received only one of the sought information. He considered it as deemed refusal to provide the information for the remaining sought information. The appellant stated that the first appellate authority did not provide him any opportunity of hearing, even though he in his appeal he had specifically requested the first appellate authority for grant of hearing.

11. The appellant stated that orders/ judgments of all the High Courts and the Supreme Court including the record of proceedings (daily orders) are

made public by routinely placing them on their respective websites. The appellant stated that as per the provision of section 4(1)(b) of the RTI Act, the details of impugned orders are required to be proactively disclosed by each public authority, including the High Court. The appellant stated that the list of the cases and copy of the orders had been given to the respondent. The appellant stated that the respondent had uploaded the decisions in a selective manner. The appellant stated that as per the section 4 of the RTI Act the respondent is required to upload class of information and not load orders in a pick and choose manner. The appellant stated that that he is seeking information in public interest as the disclosure of the details of the impugned orders would serve larger public interest.

12. The appellant relied upon the Commission's decision no. CIC/RK/A/2016/001292 dated 10.11.2016 and referred to the para 54 and 55 which read as follows:

"54. It is observed that the appellant is not seeking any certified copy of the judicial record but has sought information on the impugned orders already publicly available on the kiosk maintained by Hon'ble Supreme Court in its premises viz. the name of Court/Agency which passed the order, date of judgment and the case number. In the alternate, the appellant has sought the inspection of the digital data in relation to the cases mentioned in his RTI applications.

55. It is observed that the sought for information is available in many cases in the data base of the Hon'ble Court. No case to deny this information has been made out. Besides, provision of this information can help the general public, litigants etc. in linking the Hon'ble Supreme Court's orders with the impugned orders and thereby serve a larger public interest."

13. The appellant stated that he has a right to seek information if the sought for information is not disseminated on website as per section 4 of the RTI Act and the public authority is under obligation to provide the information to him. The appellant relied upon the decision of the Calcutta High Court passed in W. P. No. 29754 (W) of 2015 dated 15.01.2016 which reads as follows:

“it is pertinent to mention that if such website is not available, it is open to the applicant to make an application seeking specific details and not a general application. If such information which is required to be maintained in registers and official records is asked, the authorities are bound to furnish such information. If information is not furnished then an appeal can also be filed under the enactment in accordance with the procedure.”

14. The appellant stated that the Commission has power to recommend to the public authority to take specified steps by making necessary changes to its practices in relation to the maintenance, management and destruction of records. In this regard, the appellant referred to Commission's decision no. CIC/SM/C/2011/901285 dated 14.08.2014. The appellant stated that he is not seeking copy of the impugned orders. The appellant stated that he wants that the impugned orders no. and date etc of the lower Court/Tribunal should be uploaded on the website so that the stake holder can link the Hon'ble High Court order with the lower Court/Tribunal's orders. This would facilitate proper understanding of the orders of the Hon'ble High Court and this serve a larger public interest.

15. The respondent stated that before June 2014, as per directions of the Hon'ble Court, only those Judgments, which were specifically indicated/instructed for uploading were uploaded on the website. The respondent stated that the sought for information for the period 2012 to 2014 is not available on their website. The respondent stated from June 2014 onwards all decision/orders are being uploaded on the website. The respondent stated that the judicial records are not required to be uploaded on the website under 'suo motu' disclosure as per section 4 of the RTI Act. The respondent stated that the sought for information is purely judicial record. The respondent stated that the third party may take certified copy of judicial record by following the procedure laid down in the Rules of High Court of Madras, Appellate Side, 1965, and not under the RTI Act. The respondent stated that the if the sought for information is ordered to be provided, it would amount to directing the public authority to collate/collect the information from each file and then provide the information to the

appellant. This would divert the resources of the public authority disproportionately.

16. The appellant stated that the RTI Act came into being in the year 2005 and under section 4(1)(b) of the RTI Act every public authority is required to publish all the information specified in the said clause within one hundred and twenty days from the enactment of the Act, including the information relating to its decisions which affects the public. The appellant stated that the orders/judgments of Hon'ble High Court have public purpose/interest at heart. The appellant stated that the reference to the said High Court's rules is misconceived, as the provisions of RTI Act have overriding effect on all existing laws by virtue of clear provisions contained in section 22 of the RTI Act. The appellant reiterated that he is not seeking uploading of the impugned orders. The appellant stated that only the details of the impugned order should be uploaded on the website. The appellant stated that the coding sheet proforma available in digital form in the system has details of the impugned order of the lower Court/Tribunal etc. Thus the information being sought is on the records of the Hon'ble High Court.

**Discussion/ observation:**

18. The Commission observed that the appellant is not seeking certified copy of the impugned orders of the lower Courts. The appellant wants only details of the impugned orders which he stated should also have been available on the website of the Hon'ble High Court in larger public interest. Hence, Rules of High Court of Madras, Appellate Side, 1965, does not come in the picture in providing the sought for information.

19. The Commission observed that uploading the details of impugned orders of the lower Courts/Tribunals can help the general public, litigants and all other stake holders in linking the Hon'ble High Court's orders/judgments with the impugned orders and thereby serve a larger public interest.

**Decision:**

20. The respondent is directed to furnish to the appellant, if available , the impugned orders details of the cases mentioned in the RTI requests, free of cost, within 30 days of receipt of the order.

21. The Commission recommends that the details of the impugned order of the lower Courts/Tribunal etc may be made available on the website of the Hon'ble High Court in order to help the general public, litigants and all other stake holders in linking the Hon'ble High Court's orders/judgments with the impugned orders.

The appeals are 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**