

**OFFICE OF THE APPELLATE AUTHORITY, under RTI Act,
HIGH COURT OF MADHYA PRADESH, BENCH AT INDORE**

RTI Appeal No. 02/2023

Manish Matta S/o Late Shri Dilip Matta -----Appellant
R/o 197-M, Khatiwala Tanka, F-203,
Amit Apartment, Indore

VS.

Shri Rajesh Kumar Sharma, Joint Registrar (M)/
State Public Information Officer, High Court of M.P.,
Bench at Indore ----- Respondent

Order

(Delivered on 14th February 2023)

1. This appeal has been preferred u/s. 19 (1) of the RTI Act., 2005 by the appellant Shri Manish Matta being aggrieved by the facts that he has not been supplied the information sought by his RTI application dated 25.12.2022, which should have been provided by Shri Rajesh Kumar Sharma, Joint Registrar (M)/ State Public Information Officer, High Court of M.P., Bench at Indore.

2 The brief facts which lead to this appeal is as under :-

Appellant Shri Manish Matta has sent an RTI application dated 25.12.2022 through Inward Section of High Court of M.P., Bench at Indore, addressed to SPIO (Joint Registrar (M)/ State Public Information Officer, High Court of M.P., Bench at Indore) requesting therein for providing following information :-

“Video recording of case hearing of Court No. 6 from 10:00 to 10:45 a.m. of dated 21.12.2022.

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Applicant's case R.P. No. 1254/2022 was listed at CL NO. 01 before Division Bench of Hon'ble Justice Vivek Rusia and Hon'ble Justice R.K. Verma in Court No. 6, hence this video recording as mentioned above can be given to applicant being directly related. Information needed for record.

3. The learned SPIO, after considering all the facts came to the conclusion that as per Rule No. 11 (b) (viii), copy of any live streamed feed / Videos shall not be entertained for any purpose whatsoever only on the above sole ground. Therefore, appellant /applicant cannot be provided such information.

4. The appellant/ applicant has submitted that his RTI application for seeking information has been dismissed only on the basis of Rules on Live-Streaming and Record of Court proceedings, 2021(here in after shall be read Rule 2021) but these rules have no judicial sanction and Right to Information Act, 2005 has overriding effect over any other legislation under Section 22 of the Act. It is also submitted by the appellant/applicant that requisite information is not covered under official secrets Act because no such Court Rooms videos which are flourishing on social medias or objected by the High Court till date for being published due to being official secrets. Impugned order passed by Joint Registrar (M)/ SPIO is illegal and appellant/applicant should have been provided requisite information.

5. To decide this appeal following points of determination are arise :-

- (i) Whether appellant is entitled to get information sought by him ?
- (ii) Whether the order of SPIO is not just and proper ?

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6. As far as, the validity of the order in regard to not providing the information sought is concerned, Joint Registrar (M)/ SPIO has specifically mentioned that applicant has sought Video recording of case hearing from 10:00 a.m. to 10:45 a.m. of dated 21.12.2022 of Court No. 6 High Court of M.P. Bench at Indore. By mentioning Rule No. 11 (b)(viii) of Rules 2021, Joint Registrar (M)/ SPIO has rejected the application filed by appellant / applicant.

7. It is explicit clear that applicant / appellant has sought information regarding live-streaming of Court No. 6 of Hon'ble High Court of M.P., Bench at Indore. On the basis of which Rule No. 11 (b)(viii), of Rules 2021 SPIO has rejected the application filed by applicant is as "*Requests for copy of any live-Streamed feed / Videos shall not be entertained for any purpose whatsoever. Appellant has submitted that live-Streaming Rules, 2021 have no judicial sanction and Right to Information Act, 2005 has overriding effect over any other legislation under Section 22 of the Act.* But the submission made by appellant is not acceptable because there are so many grounds for exemption from disclosure of information according to Section 8 of Right to Information Act, 2005. Section 8 (1)(b) of Right to Information 2005 says that "*Information which has been expressly forbidden to be published by any court of law or tribunal or the disclosure of which may constitute contempt of Court.*"

8. Preface of Rules, 2021 clears that these rules are framed by the High Court of Madhya Pradesh in the exercise of powers under Article 225 or relevant statute were applicable and Article 227 of the Constitution of India and it is sufficient to say that Rules, 2021 have judicial sanction and in these Rules Live-Streaming of Court proceeding is strictly forbidden.

9. On the basis of above facts, circumstances and discussion of the facts, it is found that Joint Registrar (M) / S.P.I.O. had rightly not provided the

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information sought by the appellant. The appellant is not entitled to get information sought under the RTI Act. Therefore, this appeal is without any substance and is liable to be dismissed.

10. Consequently, this appeal is dismissed. Copy of this order be sent to Principal Registrar, High Court of M.P., Bench at Indore for necessary action and information. A copy of this order be also provided free of cost to the appellant and also to the SPIO for information and necessary action.

As per Section 19(3) of the RTI Act, 2005, appellant / applicant may file an appeal to the Hon'ble Appellate Authority (State Information Commission, Bhopal) within 90 days of the issuance of this order.

(Signature)

(AJAY PRAKASH MISHR)
APPELLATE AUTHORITY