

Access to case-related Information from the Supreme Court of India

Rights of Parties and Strangers to a Judicial Proceeding

the 2013 Rules compared with the 1966 Rules and *The Right to Information Act, 2005*

Sl.	<i>Supreme Court Rules, 1966 (2010 edn.)</i>	<i>Supreme Court Rules, 2013 (notified on 9th May, 2014)</i>	Observations
1.	Order XII, Rule 1: Subject to the provisions of these rules, a party to any cause, appeal or matter who has appeared shall be allowed to search, inspect or get copies of all pleadings and other documents or records in the case, on payment of the prescribed fees and charges.	Order X, Rule 1: Subject to the provisions of these rules, a party to any cause, appeal or matter may apply to the concerned Registrar and shall be allowed to search or inspect all pleadings and other documents or records in the case, on payment of the prescribed fees and charges. Order XIII, Rule 1: A party to a proceeding in the Supreme Court shall be entitled to apply for and receive certified copies of all pleadings, judgements, decrees or orders, documents and deposition of witnesses made or exhibited in the said proceeding. Order XIII, Rule 3: Application for "certified copy" or unauthenticated "copy" may be presented in the prescribed form [Form No. 29] by an advocate-on-record or party in person or may be sent by post to the Registrar, Copying Section, Supreme Court of India, New Delhi, along with the requisite copying fee for urgent/ordinary delivery.	There is no mention of the right of citizens to get certified copies of documents held by the Registry dealing with judicial and administrative matters under the RTI Act, 2005.

Sl.	<i>Supreme Court Rules, 1966 (2010 edn.)</i>	<i>Supreme Court Rules, 2013 (notified on 9th May, 2014)</i>	Observations
2.	Order XII, Rule 2: The Court, on the application of a person who is not a party to the case, appeal or matter, may on good cause shown, allow such person such search or inspection or to obtain such copies as is or are mentioned in the last preceding rule, on payment of the prescribed fees and charges.	Order XIII, Rule 2: The Court on the application of a person who is not a party to the case, appeal or matter, pending or disposed of, may on good cause shown allow such person to receive such copies as is or are mentioned in the last preceding rule (i.e., Order XIII, Rule 1).	Under the RTI Act reasons need not be given for seeking information from any public authority including courts. The Madras High Court amended its Appellate Side Rules in 2010 to remove the earlier requirement for a stranger to a judicial proceeding to give reasons for seeking copies of documents of that proceeding.
3.	Order XII, Rule 3: A search or inspection under rule 1 or rule 2 during the pendency of a cause, appeal or matter, shall be allowed only in the presence of an officer of the Court and after twenty-four hour's notice in writing to the parties who have appeared, and copies of documents shall not be allowed to be taken, but notes of the search or inspection may be made.	Order X, Rule 2: A search of inspection during the pendency of a cause, appeal or matter, shall be allowed only in the presence of an officer of the Court and after twenty four hour's notice in writing to the parties who have appeared, and copies of documents shall not be allowed to be taken, but notes of the search or inspection may be made.	
4.	Order XII, Rule 4: Copies required under rule 1 or rule 2 may be certified as correct copies by the Registrar, Deputy Registrar, Assistant Registrar or such other officer as may be authorised in that behalf by the Registrar.	Order XIII, Rule 4: On every copy after it is prepared, the following shall be entered :- (a) application filed on :- (b) the date given to receive copy:- (c) date on which copy is made ready:- (d) the date on which the copy is received by the applicant or sent to the applicant.	

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		<p>Order XIII, Rule 5: Every certified copy issued by this Court shall be certified by the Assistant Registrar/Branch Officer or such other officers as may be authorised in that behalf by the Registrar, to be true copy of the original and shall be sealed with the seal of the Supreme Court, in accordance with Rule, 6 of Order III of the Rules.</p> <p>Order XIII, Rule 6(2): Any “copy” other than “certified copy” shall bear an endorsement that “it is not a certified copy.”</p>	
5.	<p>Order XII, Rule 5: An application may be made to the Registrar for the issue urgently of a copy of any judgement, decree or order of the Court or any proceedings filed in the Court and upon the order being so made, the said copy shall be made ready and issued within seven days of the making of the application or such further time as the Registrar may specify.</p>	<p>See Order XIII, Rule 3 above for urgent rerquests.</p>	<p>There is no reference to the urgent information request clause contained in the <i>proviso</i> to Section 7(1) of the RTI Act.</p>
6.	<p>Order XII, Rule 6: No record or document filed in any cause, appeal or matter shall, without the leave of the Court, be taken out of the custody of the Court.</p>	<p>Order X, Rule 3: No record or document filed in any cause, appeal or matter shall, without the leave of the Court be taken out of the custody of the Court.</p>	-

Sl.	<i>Supreme Court Rules, 1966 (2010 edn.)</i>	<i>Supreme Court Rules, 2013 (notified on 9th May, 2014)</i>	Observations
7.	Order XII, Rule 7: The Registrar may, in his discretion, permit any record to be sent to any Court, tribunal or other public authority on requisition received from such Court, Tribunal or other authority.	Order X, Rule 4: The Registrar may, in his discretion, permit any record to be sent to any Court, tribunal or other public authority on requisition received from such Court, Tribunal or authority.	-
8.	No comparative provision	Order XIII, Rule 7: Notwithstanding anything contained in this order, no party or person shall be entitled as of right to receive copies of or extract from any minutes, letter or document of any confidential nature or any paper sent, filed or produced, which the Chief Justice or the Court directs to keep in sealed cover or considers to be of confidential nature or the publication of which is considered to be not in the interest of the public, except under and in accordance with an order specially made by the Chief Justice or by the Court.	There is no reference to the exemptions under Section 8(1) of the RTI Act as grounds for refusal. The discretionary powers are too broad. There is no mention of the role of the Public Information Officer when a request for such information is received under the RTI Act.
9.	No comparative provision	Order XIII, Rule 8: The functioning of the Copying Branch shall be regulated as per guidelines and directions issued by the Chief Justice from time to time.	-

Compiled by Venkatesh nayak for Commonwealth Human Rights Initiative, New Delhi, 19 August, 2014.