

GOA STATE INFORMATION COMMISSION
'Kamat Towers', Seventh Floor, Patto, Panaji –Goa
Tel No. 0832-2437880/2437208 email: spio-gsic.goa@nic.in
website: www.gsic.goa.gov.in

Appeal No. 30/2025/SIC

Mr. Sanny Gomes alias Seny Gomes,
S/o. John Gomes Alias Joao Gomes,
Aged 38 years, Agriculturist,
R/o. H.No. 783/1, Espi Moddi, Mandopa,
Navelim, Salcete-Goa 403707.

..... **Appellant**

V/s

1.Ms. Fatima Mascarnahas,
Public Information Officer,
District & Session Courts,
South Goa, Margao-403601.

2.Ms. Vijaya V. Ambre,
First Appellate Authority,
District Judge-I & Additional Session Judge,
South Goa, Margao-403601.

.....**Respondents**

Shri. Atmaram R. Barve

State Information Commissioner

Filed on: 04/02/2025
Disposed on: 28/10/2025

ORDER

1. The present second appeal arises out of the Right to Information (RTI) application dated 05/10/2024 made by the Appellant, Mr. Sanny Gomes and addressed to the Public Information Officer (PIO) at District & Session Courts, Margao wherein the Appellant had sought certified copies of various documents under Section 6(1) of the RTI Act.
2. In response to the said application, PIO, Smt. Fatima Mascarnahas vide reply dated 11/10/2024 addressed to the Appellant herein and advised him that the information sought by him pertains to judicial proceeding or records which cannot

be provided under Rule 10(3) and 21 of the Goa Daman & Diu and Dadra & Nagar Haveli, District Courts RTI Rules 2009 framed by the Hon'ble High Court and published in the Official Gazette Series I No. 25 dated 17/09/2009, and also that the Appellant herein was advised to obtain the certified copies under Rule applicable instead of seeking recourse through RTI. Aggrieved by the said response the Appellant preferred first appeal dated 19/10/2024 before the First Appellate Authority (FAA).

3. Vide order dated 14/11/2024, the FAA dismissed the first appeal filed by the Appellant herein. Thereafter vide appeal memo dated 04/02/2025, the Appellant herein preferred second appeal before this Commission.
4. It is the contention of the Appellant herein that, the information sought by him was specifically sought under RTI Act and his application ought to have been dealt with under said Act only. It is further contended by the Appellant herein that, the act of not furnishing information is deliberate on the part of the PIO.
5. It is contended by Respondent PIO that, the presence of RTI Rules 2009 as referred to herein above provide ample opportunity to information seeker to obtain certified copies of judicial proceeding or records in the normal course and as such the said Rule have precedence over the RTI Act 2005. The Respondent relied on judgement in Order dated 21/11/2017 passed by **High Court of Delhi in Registrar, Supreme Court of India v/s R.S. Misra in W.P. (c) No. 3530 of 2011**, wherein it has been dealt that the right or access to information under the Supreme Court Rules which includes right of inspection, search of copies would all be

judicial functioning of Supreme Court. Therefore, such information could not be covered or contemplated under RTI Act. Further the Respondent cited the matter, **Chief Information Commissioner v/s High Court of Gujarat & Ors, Supreme Court of India of Civil application jurisdiction Civil Appeal No. 1966-1967 of 2020 arising out of SLP (c) No. 5840 of 2015** decided on 04/03/2020 wherein it was held that if any information can be accessed through mechanism provided under another statute, the provision of RTI Act cannot be resorted to as there is absence of the very basis for invoking provision of RTI Act, namely, lack of transparency. In other words, the provisions of the RTI Act are not to be resorted to if the same are not actuated to achieve transparency.

6. Upon perusal of appeal memo, written submission of both the parties and all other materials on record, this Commission is of considered opinion as under:-
 - a. It is amply clear that, the RTI Act, 2005 is a Legislation which empowers common man to have access to information which otherwise was not available under the provision of Official Secret Act.
 - b. However, the provision of the RTI Act should be resorted to only when there is no other alternate remedy to information seeker.
 - c. In instant matter, the PIO had made it amply clear to the Appellant herein to seek recourse to the procedure adopted by the Court to provide information pertaining to judicial proceeding and the same cannot be construed to be denial of information to nay stretch of imagination.

d. The Appellant herein ought to have taken recourse to all the alternate remedy available at his disposal rather than being hell bend on seeking information only through RTI Act.

7. In light of above, the present second appeal stands dismissed.
No order as to cost.

- Parties to be provided authenticated copies of the order.
- Aggrieved party if any, may move against this order by way of a Writ Petition as no further Appeal is provided against this order under the Right to Information Act, 2005.

Sd/-

(ATMARAM R. BARVE)

State Information Commissioner