

ITEM NO.101

COURT NO.3

SECTION II-E

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS**Criminal Appeal No(s). 3743/2024****SPECIAL POLICE ESTABLISHMENT****Appellant(s)****VERSUS****KAMTA PRASAD MISHRA & ORS.****Respondent(s)****(IA No. 195512/2024 - EXEMPTION FROM FILING O.T. IA No. 102475/2022
- PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)****Date : 14-05-2026 This matter was called on for hearing today.****CORAM : HON'BLE MR. JUSTICE J.K. MAHESHWARI
HON'BLE MR. JUSTICE ATUL S. CHANDURKAR****For Appellant(s) : Mr. Nishant Ramakantrao Katneshwarkar, AOR****For Respondent(s) : Mr. Naveen Kumar Singh, Adv.
Mr. Rajeev Singh, AOR****Mr. Abhimanu Singh, Adv.
Mr. Abhinav Shrivastva, Adv.
Mr. Pashupati Nath Razdan, AOR****UPON hearing the counsel the Court made the following
O R D E R**

1. In the instant case order impugned dated 20.12.2021 passed by the High Court of Madhya Pradesh, Principal Bench at Jabalpur in Writ Petition No. 1575 of 2021 is under challenge whereby the High Court directed that the order dated 17.08.2020 issued by the Assistant Public Information Officer and order dated 16.12.2020 of the Chief Information Commissioner are liable to be quashed. It was further directed that the respondent shall supply information as sought by the appellant as per his request dated

01.07.2020 within 30 days and imposed a costs of Rs. 5,000/-.

2. The said order has been assailed in this appeal on the pretext that as per Notification of the State Government dated 25.08.2011 exemption is granted to Madhya Pradesh Special Police Establishment of Lokayukta Organisation, however, without taking note of the said notification directions have been issued.

3. During the course of hearing, the provisions of Section 24(1) of the Right to Information Act, 2005, (in short, "the RTI Act), applies to the intelligence and security organisation of the Central Government specified in the Second Schedule. In the Second Schedule, certain organisations have been specified which are of the Central Government.

4. Sub-section (4) of Section 24 of the RTI Act further specifies that the provisions of the Act shall not apply to such intelligence and security organisations established by the State Government if notified in the Official Gazette. Thus, for issuance of the notification of exemption under Section 24(4), it is incumbent to understand how Lokayukta established is an intelligence and security organisation; but nothing has been brought on record. In absence, the notification dated 25.08.2011 is contrary to the spirit of Section 24(1) read with Section 24(4) of the RTI Act. The counter affidavit filed by the State is silent on this point, however, response of the State

Government, if any, may be filed, otherwise such notification do not have any sanction of law.

5. It is experienced that on behalf of the State of Madhya Pradesh, counsels are not appearing in Court when the cases are called upon. It has happened in the morning also when a case at serial Number 9 in the list (SLP (Crl.) No. 8747 of 2026 - Amit Jaiswal vs. State of Madhya Pradesh), called for hearing, nobody was present despite supply of the advance copy. The Court was required to wait for some time and later the case was taken in second round. In this case also, when the arguments were closed and the Court sought the presence of the counsel for the State, then upon calling Mr. Abhimanu Singh, counsel appeared and shown ignorance about the case. On apprising that the counter affidavit has been filed on behalf of the State by Mr. Pashupati Nath Razdan, then he was informed. Later, Mr. Pashupati Nath Razdan, learned counsel joined by virtual mode. It is to say that this is not an isolated instance of non-appearance on behalf of the counsel for the State of Madhya Pradesh. It is happening every day as and when the case of State of Madhya Pradesh is listed, the counsel are not appearing and on being called, they used to come and attend. Such endeavour of the Advocates in the panel on behalf of the State of Madhya Pradesh cannot be appreciated

6. Later, Mr. Pashupati Nath Razdan, learned counsel informed

the Court Master that on account of some conflict, he has recused this matter. The recusal or acknowledgment for engagement by any other State panel Advocate is not on record. Anyway, it is matter of concern for the State.

7. Let a copy of this order be sent to the Chief Secretary, the Advocate General and Law Secretary of Madhya Pradesh to relook about the panel and consider how far the advocates who are engaged by the State, if not representing, can be continued in the panel. We are not issuing any direction in this regard, and leaving it on the discretion of the State to decide about their representation in the Supreme Court.

8. The Advocate General of the State may clarify about paragraph 4 above and to appear for argument on the next date, if he wish to appear virtually, he is at liberty to do so. In absence of clarification, appropriate orders may be passed.

9. List on 20.05.2026 for further orders and the matter to be taken up as first item in the regular list.

(GULSHAN KUMAR ARORA)
DEPUTY REGISTRAR

(NAND KISHOR)
ASSISTANT REGISTRAR