

OFFICE OF THE REGISTRAR GENERAL, GAUHATI HIGH COURT,
MAHATMA GANDHI ROAD, PANBAZAR, GUWAHATI
(Appellate Authority)

RTI APPEAL NO.01/2023-2024

APPELLANT :- Mr. Shishir Chand

RESPONDENT :- Registrar (Judicial) & PIO,
GAUHATI HIGH COURT

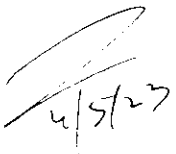
DATE OF APPEAL :- 03.04.2023

DATE OF HEARING :- 28.04.2023

DATE OF ORDER :- 04.05.2023

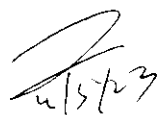
O R D E R

1. This is an appeal under section 19(1) of the Right to Information Act, 2005 (RTI Act) preferred by one Mr. Shishir Chand of New Delhi.
2. Mr. Shishir Chand of New Delhi preferred the instant appeal under section 19(1) of the RTI Act on 03.04.2023, being aggrieved by the reply dated 20.03.2023 of the Registrar (Judicial) cum PIO of the Hon'ble Gauhati High Court declining to furnish the information as sought for on the ground that it pertains to third party information and the appellant has not shown any larger public interest in this regard.
3. I have carefully perused the record, the memo of appeal and the grounds relied by the appellant. I have also personally heard the appellant through VC and the PIO of the Hon'ble Gauhati High Court.
4. The brief facts leading to the institution of this appeal is that on 24.02.2023, Mr. Shishir Chand had preferred an RTI application before the PIO of the Hon'ble Gauhati High Court requesting to furnish the following information –
 - (i) Number of complaints of professional misconduct and / or corruption received by Hon'ble Gauhati High Court that includes office of former/ incumbent Chief Justices, Registrar Generals, Collegium (past and present) against former District and Sessions Judge of Tinsukia District Court, Assam, Shri H.C Sarma who attained superannuation from Tinsukia District Court, Assam in June 2015.
 - (ii) The number of such complaints received against Shri H.C Sarma from litigants.



(iii) The number of such complaints/ reports received against Shri H.C Sarma from state agencies in form of adverse intelligence reports.

5. Upon perusal of the RTI application, the PIO vide reply dated 20.03.2023 informed the appellant that the information cannot be furnished to him as it pertains to third party information and the appellant has not shown any larger public interest in this regard. After receiving the reply from the PIO, the appellant Shishir Chand preferred this RTI appeal mainly on the ground that the larger public interest is involved in disclosing the solicited information as the concerned Judge in the year 2015, a month before attaining his superannuation has caused grave emotional and financial injury to the 72 years old widowed mother of the appellant, and that the aggrieved mother of the appellant was constrained to avail various remedies including a SLP before the Hon'ble Supreme Court of India being SLP (C) No.5133 of 2022. The appellant also pleaded that in absence of Judicial Reforms and Accountability Bill, lack of transparency and accountability of judicial conduct of Hon'ble Judges and in order to promote public confidence and faith in the Indian Judiciary, it is of utmost important that such information is proactively disclosed in the larger public interest.
6. I have duly considered the grounds mentioned in the memo of appeal. During the course of hearing, the appellant has submitted, apart from the grounds mentioned in the memo of appeal, that in the year 2015 his mother had appeared before the District Judge, Tinsukia cum Member, MACT for disbursement of award in connection with the demise of the brother of the appellant. He also submitted that his engaged counsel Mr. B. Kejriwal had also submitted one joint petition before the Ld. Member of MACT, without disclosing the shares of the legal heirs of the deceased. He has submitted that the Ld. Presiding Officer of MACT while disbursing the award, a sum of Rs.6 Lakh was awarded in favour of the wife of the deceased (sister-in-law of the appellant) and another sum of Rs.1 Lakh was awarded in favour of the mother of the deceased. He further submitted that being aggrieved with the disbursement of the quantum of shares between the wife of the deceased (sister-in-law of the appellant) and the mother of the deceased, his mother preferred a review petition before the Ld. Tribunal. He submitted that the review petition was dismissed after a period of 2 years and being aggrieved, she preferred a revision before the Hon'ble Gauhati High Court and the Hon'ble Gauhati High Court was also pleased to dismiss the revision and thereafter, his mother preferred one SLP before the Hon'ble Supreme Court of India in the year 2022 being SLP (C) No.5133 of 2022. He further submitted that the Hon'ble Supreme Court of India has been pleased to admit the SLP and issued notice. He has submitted that the award in respect of the MACT matter was passed by Ld. Tribunal in the month of April, 2015 and thereafter, the said District Judge cum


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Presiding Officer, MACT, Tinsukia retired in the month of June, 2015. He also submitted that the Presiding Officer, MACT, Tinsukia, one month prior to his retirement had passed a wrong order regarding disbursement of the award for some other reasons and as such, he has preferred the RTI application to know the number of complaints which has been received by the competent authority against retired Judge H.C. Sarma.

7. The PIO in his reply submitted that submissions made by the appellant are not part of his pleading. The PIO further submitted that the matter is subjudiced before the Hon'ble Supreme Court of India. He further submitted that being aggrieved by the order of Ld. Presiding Officer, MACT, Tinsukia, the mother of the appellant has approached the higher authorities. However, the appellant being aggrieved, has brought imputation against the retired Judicial Officer after 8 years of his retirement. The PIO further submitted that the officer was an upright officer and had retired from service without any blemish and the RTI application of the appellant is nothing but an unwarranted invasion of the privacy of an upright officer. He further submitted that as the matter is pending before the Hon'ble Supreme Court of India, the appellant should have faith in the judicial institution and accordingly, prayed for dismissal of the appeal.
8. The appellant in his reply to the submission made by the PIO submitted that he has not cast any imputation upon the Ld. Judge of the MACT. However, he has submitted that the Ld. Judge of the MACT might be under some pressure as he (the appellant) himself is fighting against some powerful mafia and accordingly, he has prayed for directing the PIO to provide him the information as sought for.
9. I have given my due consideration on the submission made by the appellant as well as the PIO. I have carefully considered the materials available on record. After carefully considering the materials on record and also considering the submission of both the sides, what transpires before me is that :
 - (i) One MACT matter was pending before the Ld. Member, MACT, Tinsukia in the year 2015.
 - (ii) The MACT matter was disposed of by the Ld. Member of MACT, Tinsukia in April, 2015 by awarding compensation.
 - (iii) An amount of Rs.6 Lakh compensation was ordered to be disbursed in favour of the wife of the deceased (sister-in-law of the appellant) and a sum of Rs.1 Lakh was ordered to be disbursed in favour of the mother of the deceased (mother of the appellant).



- (iv) Being aggrieved with the order of award/ disbursement, the mother of the appellant preferred one review petition before the Ld. MACT Member which was dismissed, then she preferred a revision before the Hon'ble Gauhati High Court and the same was also dismissed. Thereafter, being aggrieved with the order of Hon'ble Gauhati High Court, the mother of the appellant has preferred one SLP before the Hon'ble Supreme Court of India in the year 2022 and presently the same is pending before the Hon'ble Supreme Court of India for adjudication.
- (v) The appellant of this instant RTI appeal has preferred one RTI application after 8 years of retirement of the MACT Judge and inquired about the complaints received against the Tribunal Judge only on the ground that he has passed award in the month of April, 2015 just one month prior to his retirement i.e. in the month of June, 2015.
- (vi) That, he has sought information against the Judicial Officer/ MACT Judge believing that the Tribunal Judge might have been under pressure to pass award just before one month before his superannuation.

10. Section 8(1)(J) of the RTI Act deals with exemption from disclosures of information:

"information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information."

11. In the instant case, one MACT award was passed in the month of April, 2015 and the Officer who passed the order retired in the month of June, 2015 and against the award, the aggrieved party knocked the higher judicial authority and presently the matter is pending before the Hon'ble Supreme Court of India for adjudication. The concerned aggrieved person has been knocking the door of the competent judicial authority for relief which she considers herself to be entitled as per law.
12. If any judicial pronouncement is made and it goes against a party, it does not allow the party to cast imputation against the judicial officer who pronounced the order or passed the award. Casting imputation upon a Judicial Officer for passing any order or award is not admissible when there are other remedies available in the law and when there is no specific allegation against the officer.

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13. Hon'ble Supreme Court of India in the case of Canara Bank represented by its Deputy General Manager –vs- C. S. Shyam reported in 2018 11 SCC 426, Hon'ble Court held that-

Exemption under the provision of section 8(1)(j) of the RTI Act gets attracted under 2 (two) circumstance, namely, "(a) if the information is personal in nature and has no relationship with any public activity or interest, and (b) furnishing of the same would cause unwarranted invasion of the privacy of an individual.

14. In the instant case, the RTI application has been filed after 8 years of that particular incident and also after 8 years of retirement of the Judicial Officer which is nothing but to cast an imputation upon the Judicial Officer and which would cause an unwarranted invasion of the privacy of the retired Judicial Officer.

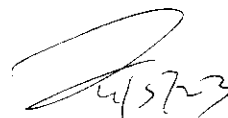
15. What appears is that the mother of the appellant has already preferred an SLP against the aggrieved order, which is under adjudication before the Hon'ble Supreme Court of India. The appellant nowhere could show that the information which he sought has any relationship with any public activity. Merely because the appellant thinks that the officer might be under pressure just one month prior to his retirement cannot be the ground or justification to show any relationship of the information with his work. The information sought by the appellant are personal in nature and the appellant could not show that the disclosure of the information would serve the larger public interest. It appears that if the information sought is disclosed it would only cause unwarranted invasion of privacy of the individual.

16. On careful consideration of the above facts, I am of the considered view that the grounds for preferring this appeal is absolutely devoid of merit and cannot be considered.

17. Accordingly, the instant appeal is dismissed.

18. Inform the parties accordingly.

Signed on this 04th day of May, 2023 under my hand and seal at Guwahati, Assam.



Registrar General & Appellate Authority