

**OFFICE OF THE REGISTRAR GENERAL, GAUHATI HIGH COURT,**  
**MAHATMA GANDHI ROAD, PANBAZAR, GUWAHATI.**

**RTI APPEAL NO. – Appeal ID. No. 15/2019-2020**

APPELLANT :- Dr. Manabendra Lahkar,  
Rangia Town, Ward No. – 3,  
Bidyapur, Kamrup, Assam, Pin - 781354

RESPONDENT :- REGISTRAR (JUDICIAL) and -PIO,  
GAUHATI HIGH COURT.

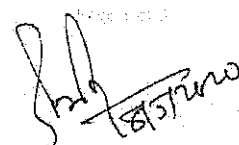
DATE OF APPEAL :- 18/03/2020

DATE OF HEARING :- 08/05/2020

DATE OF ORDER :- 18/05/2020

**O R D E R**

1. This appeal has been preferred by appellant Dr. Manabendra Lahkar being aggrieved with the reply of Registrar (Judicial) & PIO, the Hon'ble Gauhati High Court dated 11.03.2020 by which the information sought by the appellant was refused to be furnished on the ground that the same is exempted from disclosure under Section 8(1) (g) of the *Right to Information Act, 2005* (in short, hereinafter referred to as "the *RTI Act, 2005*").
2. The appellant was arrayed as a defendant in two Title Suits pending in the court of learned Munsiff, Rangia. Some other litigations against him are also pending in the court of learned SDJM, Rangia. The appellant being aggrieved with certain orders passed by the learned Munsiff, Rangia as well as non-disposal of certain petitions filed in the Title Suit No.55/2016 made a complaint to the Registrar (Vigilance) of the Hon'ble Gauhati High Court on 31.01.2020. In his complaint, the appellant alleged that the conduct of the learned Munsiff, Rangia while proceeding in the cases is violative of well settled principles of law and it reveals unfairness and incompetency of officer concerned. He further alleged that in spite of submission of arguments and relevant documentary evidence in Title Suit No.44/2016,

  
18/5/2020


the same were not reflected in the order passed by the learned Munsiff, Rangia. It was also alleged that the learned Munsiff did not pass orders in Misc (J) Case No.48/2018 in Title Suit No.55/2016 in spite of many fixed dates for orders, which would go to reflect the incompetency of the officer concerned.

3. In the said complaint the appellant prayed to pass necessary orders and to call for the Report of the facts in issue in the order dated 05.12.2016 in the Petition No.1201/2018, order dated 10.09.2018 in Misc (J) Case No.48/2018, in Title Suit No.55/2016 and to pass orders to ensure whether the appellant was made a party or not in Misc (J) Case No.48/2018 and also to ensure whether the facts in issue in Misc (J) Case No.48/2018 in Title Suit No.55/2016 are also the facts in issue of the Title Suit No.44/2016(since disposed) and Misc (J) Case No.87/2016. The appellant further prayed to pass orders to transfer the Title Suit No.55/2016 and the Misc. cases to the competent authority having jurisdiction as per *Assam Land and Revenue Regulation, 1886* and also to pass orders to secure the rights of justice in CRP (I/O) 255/2017 and enforcement of the doctrine of orders/directions of Hon'ble Supreme Court of India in Civil Appeal No.1132/2011, SLP(C) 3109/2011 for securing his rights and for larger interest of the public.
4. Subsequently, the appellant filed an RTI Application on 05.03.2020 seeking certified photocopies of the proceedings/Report against his complaint dated 31.01.2020 which was rejected vide the impugned order dated 11.03.2020. Hence, this appeal.
5. Heard the appellant-in-person and Registrar (Judicial) & PIO. Also perused the records.
6. It has been submitted by the appellant that denial of supply of the requisite information on the ground that the same are also exempted from disclosure under Section 8 (1) (g) of the *RTI Act, 2005* is violative of the rules prescribed by the *Right to Information Act, 2005*. He has submitted that the matter in question relates to the life and liberty of the appellant and his dependents as guaranteed under the Constitution of India under its Preamble as well as Article 15(2)(b) and Article 21. The appellant submitted that he was made a victim and has been deprived of the rights for securing justice in Title Suit and its Misc. cases filed in the court of

82h  
18/5/2020

learned Munsiff, Rangia, which are also related to the criminal cases being GR Cases 430/2016 and 431/2016 which are pending in the court of learned SDJM, Rangia. He submitted that he has been victimised for false and fabricated criminal charges under Section 447/427/354/323/506 of IPC in the matter in question of his RTI and his social and academic reputation, rights and human dignity has been ruined, which he earned after dedicated hard work together with priceless sacrifices of his parents. The appellant has also submitted that he has suffered immensely and irreparable loss and injury has been caused to his person.

7. The learned Registrar (Judicial) & PIO has submitted that the information sought by the appellant would no way be useful for public interest and the appellant's fundamental rights as well as rights to be exercised under the *Right to Information Act* has not at all been violated. He has further contended that the information sought by the appellant which relates to the proceedings/Report relating to his complaint against the Judicial Officer would no way help the appellant in defending his case(s) and would rather be adverse to the independence of judiciary *vis-a-vis* public faith in the judicial system of the country. The Registrar (Judicial) & PIO has fairly submitted that it seems that the ground for denial of furnishing the information as sought by the appellant has been inadvertently shown to be exempted under Section 8 (1) (g) instead of section 8(1) (j) of the said Act. But in any manner, the information sought is not liable to be divulged in this instant case.
8. Upon hearing both sides and on perusal of the records as well as relevant provisions of law, I am of the considered view that the information as sought by the appellant purely relates to the outcome of his complaint made against the Judicial Officer. The appellant is a party in a pending suit and some criminal cases, which are still pending. The orders passed in the proceedings are judicial orders and a Judicial Officer is protected under the Judges (Protection) Act, 1985 until and unless it is shown that his/her act is *mala fide* and are actuated by extraneous considerations. The High Court is the controlling authority of the Judicial Officers and it is upon the competent authority to decide on any complaint filed against the Judicial Officer, as to whether to proceed or not. In certain cases some enquiries are made on the allegations made by complainants whereas in some cases

Page 3 of 5  
  
18/05/2020

it is not done. The entire process depends upon the administrative satisfaction of the competent authority on verifiable facts. However, certain internal protocol is maintained while disposing of such complaints filed against Judicial Officers. Similar is the case with the staff of the High Court as well as sub-ordinate courts.

9. In the present case the appellant is a contesting party and he has made certain allegations against the Judicial Officer inferring that the Judicial Officer is not competent. The information sought by him is the certified photocopies of the proceedings/Report relating to his complaint dated 31.01.2020. Nowhere in the appeal he has submitted that the information would serve public interest and it is also not understood as to how the Reports, if any, would serve any public interest. The information sought by the appellant is in the nature of personal information of the Officer concerned, the disclosure of which has no relationship to any public activity or interest. Rather, if such information pertaining to the proceedings/Report against any Judicial Officer is to be supplied, the said disclosure would endanger the life or physical safety of the Judicial Officer. Judicial Officers perform sovereign functions and they are not at all expected to be subjected to public exposure. If any action is taken by the competent authority against any Judicial Officer or staff of the High Court or sub-ordinate courts and the same is disclosed to the public, the same would make the person concerned vulnerable. That would expose him/her to severe danger while discharging judicial/official functions or in any private walk of life and thus might endanger his/her life or physical safety. Such information, if furnished, might also be widely circulated, published in print, electronic and social media that would also have far reaching consequences. For such reasons, the makers of the legislation intended to incorporate Section 8 (1) (g) and 8 (1) (j) in the *RTI Act, 2005*. Therefore, while reading and interpreting the aforesaid provisions, one cannot give a total deaf ear and forget the intentions of the makers of the legislation.
10. I am of the considered view that information regarding non-furnishing of the sought information has no way prejudiced the appellant. Moreover, non-furnishing of the information sought is neither violative of the Fundamental Rights of the appellant as guaranteed under Part-III of the Constitution of India nor the provisions stipulated under the *RTI Act, 2005*.

Handwritten signature and date: 18/5/2020

There is no public interest involved to support the plea of the appellant that he is entitled to receive the information. On the contrary, furnishing of such information would be adverse to public interest and public activity. In my considered view, the information sought is not liable to be disclosed under section 8(1) (g) and section 8(1) (j) of the RTI Act, 2005.

11. In view of the aforesaid, I do not find any illegality or infirmity in the communication dated 11.03.2020 issued by the Registrar (Judicial) & PIO to the appellant denying the disclosure of the information sought by him and as such find no ground to interfere with. The appeal is bereft of merits and is dismissed and accordingly disposed of.
12. Send a copy of this order to the appellant and Registrar (Judicial) & PIO, Hon'ble Gauhati High Court, Guwahati. Original copy be kept in the records.

Signed on this 18<sup>th</sup> day of May, 2020 under my hand and seal at Guwahati, Kamrup(M), Assam.



Registrar General & Appellate Authority