

CENTRAL INFORMATION COMMISSION
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Appeal No. CIC/RK/A/2016/001342

Appellant: Mr. Naresh Kumar Aggarwal
R/o. Flate No-316, Starlite Aptt., Sector-14 Extn.,
Rohini, Delhi-110085, (9312211010).

Respondent: 1 Central Public Information Officer Registrar, Delhi
High Court, Sher Shah Suri Marg, New Delhi-
110001.

2 Central Public Information Officer
Hon'ble Addl. Sessions Judge (FTC), North West
Distt., Rohini Distt. Courts, Delhi.

3 Central Public Information Officer
Hon'ble Special Judge-07, CBI, Tis Hazari Courts,
Delhi-110054.

Date of Hearing: 16.09.2016
Dated of Decision: 16.09.2016

ORDER

Facts:

1. The appellant filed RTI application dated 19.01.2016 seeking information on 20 points regarding Shri P.K. Jain, Special Judge, CBI, North West District, Rohini Courts, Delhi such as date of birth, date of joining, date of retirement, posts held since joining and place of posting as MM, ACMM/CMM, ASJ, copies of his educational qualifications, copy of appointment letter, assets, income tax returns of last 5 years, details of disciplinary action on complaint against him, salary details, details of residential address, in which school his children are studying etc.
2. The CPIO responded on 18.02.2016, 04.02.2016, 17.02.2016, 27.02.2016. The appellant filed first appeal on 04.03.2016, 05.03.2016,

14.03.2016 with the First Appellate Authority (FAA). The FAA responded on 08.04.2016, 12.04.2016, 29.04.2016 . The appellant filed second appeal on 02.06.2016 before the Commission with the plea that the sought for information has not been provided to him.

Hearing:

3. The appellant and the respondent Nos. 1, 2 and 3 were personally present in the hearing. The appellant was represented through his counsel.

4. The appellant stated that the PIO has knowingly refused to furnish the requisite information without any reasonable cause. The appellant stated that for the information sought by him vide query no. 4, 5, 7, 11,12 and 13, the PIO had wrongly contended that such information relates to personal information and are exempted under section 8(1)(j) of the RTI Act. The appellant stated that the information sought for in the aforesaid queries needs to be in the public domain in order to maintain transparency in the judicial system of our country. The appellant further stated that the information sought in the aforesaid queries pertains to a public servant who is obliged to submit the said information to his office from time to time and every citizen has the right to obtain the said information.

5. The appellant submitted that if the details of movable and immovable properties of an incumbent, who is a public servant and holding a responsible post in the Indian Judicial System, are available in the public domain, it would reveal whether the incumbent is having the properties and assets within his known source of income.

6. The appellant stated that the moveable and the immovable assets and liabilities of a public servant cannot be termed 'personal information'. The appellant stated that the new Rules notified by the Government of India known as Public Servants (Furnishing of Information and Annual Return of Assets and Liabilities and the Limits for Exemption of Assets in Filing Returns) Rules, 2014 (PSAR Rules) require every public servant to make a declaration attaching details of his/her assets as well as those of his/her spouse and dependent children to the competent authority within 30 days of taking an oath of making an affirmation for entering public office. The

appellant stated that the section 44(6) of the Lokpal and Lokayuktas Act requires the competent authority which receives assets and liabilities related information of public servants to make them public through websites by the end of August every year. The appellant stated that if this information is not available on the respective websites, a citizen may seek such information formally under the RTI Act from the public authority.

7. The appellant stated that if the details regarding any complaint(s) having been received by the department against the incumbent and the action taken by the department complaint and pendency of any complaint(s) against the incumbent, who is a public servant and holding a responsible post in the Indian Judicial System, are available in the public domain, it would reveal whether the incumbent is having an unblemished record or is involved in any activity unbecoming of a Judicial Officer. This would maintain faith of general public at large in our judicial system.

8. The appellant stated that the PIO High Court has made mockery of the RTI Act by making the appellant run from one Public Authority to another Public Authority despite being in possession of the requisite information.

9. The appellant stated that the money spent on each and every Government official is spent from the money of the tax payer and therefore the information sought for by him is in the larger public interest and should be provided to him.

10. The respondent stated that the certified copies of educational qualification, degree and diploma, details of moveable and immovable assets, Income Tax Returns, complaint received against the Judicial Officers and action taken on complaints are termed as personal information, the disclosure of which has no relationship to any public activity or interest. The same, if supplied, would cause unwarranted invasion of the privacy of the individual. The same cannot be supplied to the applicant being exempted from the disclosure under clause (j) of section 8 of the RTI Act. The respondent stated that appellant has been informed in matters.

11. The respondent stated that in view of the Hon'ble Supreme Court decision dated 03.10.2012 in SLP (C) No. 27734 of 2012 in the matter of

Girish Ramchandra Despande Vs Central Information Commissioner and Ors., the information sought by the appellant at query no. 4, 5, 7, 11, 12 and 13 have been considered to 'personal information' which stand exempted from disclosure under clause (j) of section 8 of the RTI Act, their disclosure unless involves larger public interest.

12. The respondent stated that no direction has been issued to the Subordinate Courts with regard to uploading the assets details of the Judicial Officers on the Court's website.

13. The respondent no. 2 and 3 took the stand that the service records and assets and liability records of judicial officers are not held with them and the Hon'ble High Court of Delhi is the custodian of the same.

Discussion/ observation:

14. The Commission observed that the appellant in the instant case has not made out a bona fide case of public interest in seeking information with regard to the query no. 4, 5, 7, 11, 12 and 13 of the RTI application. The disclosure of such information is likely to cause unwarranted invasion of privacy of the individual under Section 8(1)(j) of the RTI Act.

15. The action/steps taken by the respondents in dealing with the RTI application is satisfactory.

Decision:

16. In view of the above, no intervention is required in the matter at the level of this Commission.

The appeal is disposed of. A copy of the order be given to the parties free of cost.

(Radha Krishna Mathur)
Chief Information Commissioner

Authenticated true copy

(S.C. Sharma)
Dy. Registrar