

CENTRAL INFORMATION COMMISSION
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Appeal No. CIC/CC/A/2016/000621

Appellant: Mr. Naveen Kumar Singhal
R/o. Chamber No-124, District Courts, Rohtak-
124001, Haryana, (9466447025).

Respondent: Central Public Information Officer
Registrar, Punjab & Haryana High Court,
Chandigarh.

Date of Hearing: 17.10.2016
Dated of Decision: 17.10.2016

ORDER

Facts:

1. The appellant filed RTI application dated 18.07.2015 seeking information on 9 points regarding action taken on his complaint dated 28.03.2014 against various judicial officers, total number of complaint received against judicial officers of subordinate courts in the State of Haryana yearwise from the year 1947 to 2015 etc.
2. The CPIO responded on 06.08.2015. The appellant filed first appeal on 27.08.2015 with the First Appellate Authority (FAA). The FAA responded on 16.09.2015. The appellant filed second appeal on 08.09.2015 before the Commission with the plea that the sought for information has not been provided to him.

Hearing:

3. The appellant and the respondent both participated in the hearing through video conferencing.
4. The appellant stated that he has sought for the information in the form of statistical data with regard to complaints filed against the judicial officers. The appellant stated that he is not seeking information with regard to

complaint detail of any particular judicial officer. The appellant stated that the information with regard to point nos. 1 and 9 has been provided to him. The appellant stated that the information with regard to point no. 2 to 8 has been denied to him by citing the section 8 (3) of the RTI Act. The appellant stated that there no exemption for denying the information under section 8(3) of the RTI Act. The appellant stated that the first appellate authority also invoked section 7(9) of the RTI Act to decline the information. The appellant stated that the 7(9) is meant for exemption to deny the information.

5. The appellant stated that at least the PIO should have supplied information for the past 20 years i.e. 1995 to 2015.

6. The respondent stated that appellant is seeking information relating to all the complaint against judicial officers of the Punjab & Haryana High Court since 1947 to 2015. The respondent stated that the High Court came into existence in 1966. The respondent stated that the appellant is seeking information more than 20 year old information which in itself amounts to vagueness and ambiguity. The respondent stated that the collection of such information would disproportionately divert the resources of the public authority.

7. The respondent stated that the first appellate authority vide its order dated 16.09.2015 had disposed of the first appeal having concurred with the findings of the CPIO.

Discussion/ observation:

8. The Supreme Court of India, in the matter of CIVIL APPEAL NO. 7571 OF 2011[Arising out of SLP (C) No.2040/2011] The Institute of Chartered Accountants of India ... Vs. Shaunak H.Satya & Ors. dated September 2, 2011 held that: “What is exempted from disclosure at one point of time may cease to be exempted at a later point of time, depending upon the nature of exemption. For example, any information which is exempted from disclosure under section 8, is liable to be disclosed if the application is made in regard to the occurrence or event which took place or occurred or happened twenty years prior to the date of the request, vide section 8(3) of the RTI Act.”

Decision:

9. In view of the above, respondent is directed to re-examine the matter, within 30 days of this order and have a fresh look at section 8(3) of the RTI Act in the light of the aforesaid decision of the Hon'ble Supreme Court. Further, the appellant shall be at liberty to file fresh appeal/complaint in the matter.

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