

OFFICE OF THE PRINCIPAL REGISTRAR CUM APPELLATE AUTHORITY

HIGH COURT OF MADHYA PRADESH BENCH INDORE

OFFICE NOTE

26.4.18

Mr. Manohar Dalal..... Appellant

Vs.

Mr. Rajesh Kumar Sharma, Deputy Registrar.,..... Respondent

This appeal has been preferred under Section 19 (1) of the Right to Information Act, 2005 by appellant Mr. Manohar Dalal against the order dated 22/02/2018 passed by the SPIO (Shri Rajesh Sharma) whereby prayer for supplying information relating to expenses incurred monthly on fuel consumed by Hon'ble Judges posted at High Court of Madhya Pradesh Bench at Indore from 01/01/2017 to 31/12/2017.

Appellant had filed an application before State Public Information Officer, Madhya Pradesh High Court, Bench at Indore, seeking following information:-

“माननीय मध्य प्रदेश उच्च न्यायालय खण्डपीठ इंदौर में पदस्थ न्यायमूर्तिगण के द्वारा वर्ष 01/01/17 से 31/12/17 तक मासिक ईंधन खर्च के रूप में भुगतान की गयी धनराशि का विवरण व्यापक जनहित में देने हेतु प्रार्थना पत्र प्रस्तुत है।”

State Public Information Officer refused to furnish information vide the impugned order on the ground that “a civil appeal number 10044/2010 (Central Public Information Officer, Supreme Court of India and another Vs. Subhash Chandra Agrawal) is pending in Hon'ble the Supreme Court of India before a larger Bench for consideration of legality whether information related to Hon'ble Judges can be provided as a mandatory law, hence the information sought by you cannot be provided until the said cases disposed of by Hon'ble S.C. of India New Delhi.”

It was submitted by the Appellant that the SPIO has arbitrarily passed the impugned order refusing to give information sought as matter pending before Hon'ble the Supreme Court is entirely different and is in no way connected with the information sought by him. He produced a copy of order passed by Hon'ble the Supreme Court in Civil Appeal No. 10044/2010 and submitted that following three legal questions have been referred to the constitution bench for its esteemed opinion:-

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(1) Whether the concept of independence of judiciary requires and demands the prohibition of furnishing of the information sought ? Whether the information sought for amounts to interference in the functioning.

(2) Whether the information sought for can not be furnished to avoid any erosion in the credibility of the decisions and to ensure a free and frank expression of honest opinion by all the constitutional functionaries, which is essential for effective consultation and for taking the right decision ?

(3) Whether the information sought for is exempt under Section 8 (i) (j) of the Right to information Act ?"

Learned SPIO did not submit that there is any order of Hon'ble the Supreme Court or High Court prohibiting the furnishing of the kind of the information sought in this case. The demanded information is not personal information of any Hon'ble Judge. It relates to the expenditure incurred monthly on fuel consumed by the Hon'ble Judge. This information does not even fall under any clause of exemptions under Section 8 of the RTI Act.

In view of the aforesaid discussion, I come to the conclusion that the learned SPIO has denied information without any reason and the demanded information has to be disclosed and given to the appellant. (Reliance is placed on order passed by Central information Commission in CIC/POSTS/C/2017/177096, Kampher G Malngiang Vs. PIO, Department of Posts.) Therefore, the appeal is allowed and the impugned order is set aside. The SPIO is directed that he shall furnish the demanded information to the appellant free of cost on or before 28/04/2018.

A copy of this order be provided free of cost to the appellant and also to the SPIO for information and necessary action.


(Tarkeshwar Singh)
Appellate Authority