

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
CONT No. 372 of 2017

Rajkumar Mishra, S/o Late Ganesh Prasad Mishra, aged about 46 years, R/o Haldibadi, Chirmiri, Thana- Chirmiri, Tahsil Khadgawan District Koriya, Chhattisgarh. Email - rtichrm@gmail.com, Mo. No.7999393315, w. app 94063699, Chhattisgarh.

---- **Petitioner**

Versus

Shri Vivek Dadhd, Chief Secretary, Government of Chhattisgarh, Mantralaya, Mahanadi Bhawan, New Raipur, Chhattisgarh, Through Mail csoffice.cg@Gov.In.

---- **Respondent**

For Appellant	: Mr. Rajkumar Mishra, Petitioner in person
For Respondent	: Mr. Yashwant Singh Thakur, Advocate

D.B.: Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Vimla Singh Kapoor

Order on Board

Per Manindra Mohan Shrivastava, J.

01/07/2019

1. This is a contempt petition filed by the petitioner, seeking reopening of the earlier Contempt Petition (C) No.444/2013 and also for initiating contempt proceedings against the respondent.

2. The background in which this contempt petition came to be filed is that the petitioner had earlier filed a Public Interest Litigation as a socially spirited person ventilating a grievance that despite enactment of Right to Information Act, several benefits amenable to the public at large, under the provisions of the said act, particularly under Section 4 thereof, have not been made available. Notices were issued to the State Authorities and representation was made on behalf of the Information Commission that several steps have been taken to ensure

effective implementation of the provisions of the Act including the facilities provided in Section 4 thereof for the benefit of public at large, but due to reasons beyond their control, many a things could not be completed in time. A circular issued by the State was also placed before the Court.

3. After hearing both the parties, following direction was issued by this Court in order dated 24.09.2012 passed in WP (PIL) No.35/2012:-

“6. Having heard the learned counsel for the parties and on perusal of the record of the case and taking into consideration, the statement made by the learned counsel for the respondents, we do not consider it necessary to embark upon the merits and demerits of the issue sought to be raised by the writ petitioner in this writ petition and in the light of the statement made by the respondents at the bar through their counsel, we dispose of this writ petition finally with a direction to the respondents that all the necessary formalities which the respondents are required to undertake for providing facilities as per Section 4 of the Act be completed within a period of six months.”

4. A contempt petition, later on, came to be filed and registered as Contempt Petition (C) No.444/2013, with a grievance that there was willful disobedience of order dated 24.09.2012 passed in the earlier writ petition where certain directions were issued. A learned Single Judge of this Court, which heard the matter, took into consideration the submission made before the respondents therein that the steps have been taken to comply with the directions, and after considering those submissions, the contempt petition was closed.

5. The petitioner filed a fresh writ petition seeking certain direction which was dismissed, giving rise to filing of Writ Appeal No.23/2017. In the said writ appeal, a liberty was given to seek appropriate order

reopening of Contempt Petition (C) No.444/2013, if the petitioner still has any grievance regarding direction contained in order dated 24.09.2012 passed in WP (PIL) No.35/2012.

6. In exercise of that liberty this petition has again been filed. The broad grievance of the petitioner appears to be that the direction which was issued by this Court earlier has not been fully complied with.

7. The return filed by the respondent shows that towards implementation of the directions issued by this Court, circulars have been issued by the Government from time to time, which have been cumulatively filed as Annexure-R/2. We have perused those circulars and find that time and again the Government have been issuing direction to all concerned that there should be strict compliance and implementation of the provisions contained in the Right to Information Act. In this regard also, notice/circulars dated 08.02.2013, 24.12.2014, 29.04.2015, 14.08.2015, 10.09.2015, and 08.09.2017 have been issued.

8. It would thus appear that after the direction was issued by this Court way back in the year 2012 number of circulars have been issued to all concerned to ensure effective and proper implementation of the provisions of the Right to Information Act.

9. In view of the above and taking into consideration the generality of the direction issued by this Court earlier on 24.09.2012, we do not find that there was any willful disobedience of the directions issued by this Court.

10. We may hasten to add here that in the order dated 24.09.2012 a general direction was issued, without pointing out any particular

aspect with regard to implementation of the Right to Information Act. Moreover, as the contempt petition filed earlier was dismissed, no steps were taken to immediately seek its reopening. It was only in exercise of liberty granted in Writ Appeal No.23/2017 vide order dated 27.03.2017 that a fresh contempt petition was filed before this Court in the year 2017.

We also are of the opinion that in view of provisions contained in Section 20 of the Contempt of Courts Act, at this stage, we may not initiate any contempt proceedings.

11. Taking into consideration the aforesaid aspects of the matter, in our view, no case is made out for reopening the earlier case, particularly in view of steps which have been taken at the level of the Government for effective implementation of the RTI Act. In case, any Public Information Officer, Appellate Authority or any other authority constituted under the act is found violating the provisions of the Act, it will be open for the aggrieved party to take recourse to the same, which may incidentally include the petitioner as well.

12. In view of the aforesaid consideration petition is closed.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Vimla Singh Kapoor)
Judge