

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

RTI APPEAL NO. –I.D. NO. 03/18

APPELLANT :- Sri Birendra Debnath, 1 No. Pipal Pukhuri, Lanka,
 Ward No. 6, District-Hojai, Assam.

RESPONDENT :- REGISTRAR(JUDICIAL) –Cum-PIO, GAUHATI HIGH COURT

DATE OF APPEAL :- 14.06.2018

DATE OF HEARING :- 06.08.2018

DATE OF ORDER :- 01.09.2018

Factual Background:-

Being aggrieved by the response received from the Respondent in the Form 'B' or 'C' within thirty days of submission of Form 'A', appellant- Shri Birendra Debnath, preferred this appeal, which is docketed vide Regd. ID No. 03/18.

Before a discussion is directed towards the issue in question, a brief reference to the background of this appeal would be advantageous. The record reveals that the applicant vide his RTI application dated 01.05.2018, had sought for following 2(Two) of information:-

- (i) Please furnish copy of all the documents which were generated pursuant to making of signed letter of intimation dated 23/01/2018 u/s 5(2) of the contempt of Courts (Gauhati High Court) Rules, 1977 vide my re-representation dated 27/03/2018;
- (ii) Please furnish details of Remarks / Notes, if any, recorded by any of the authorised official, on the said letter;

The said RTI application was received and registered by this Registry, vide ID. No. 81/2018 dated 03/05/2018. The said RTI application is annexed at **Annexure-1**.

In response to the said RTI application dated 03/05/2018, the Registrar (Judicial) & PIO, Gauhati High Court, vide letter No.HC.XXXV-1/2018/102/RTI dated 15/05/2018, had provided the following information to the applicant:-



"Reply to Query No. 1 & 2 : Copy of the letter dated 02.05.2018 already communicated to you, pursuant to consideration of your representation dated 27.03.2018 is enclosed herewith."

Mention may be made here that the Registry's letter dated 15/05/2018 was sent to the Appellant by speed post, vide **consignment No. ES827291935IN dated 16/05/2018**. The consignment Note is annexed at **Annexure-4**. While the letter was being tracked it was found that the same was delivered to the appellant on 12.06.2018. In view of the report of tracking at Annexure-5, the appellant was asked whether he wants to pursue the matter or not vide letter of the Registry No. HC.XXV.10/2018/145-146/RTI dated 13.07.2018. The appellant has responded vide his letter dated 16/07/2018 (at **Exhibit-8**) which is reproduced below:-

"This is for your kind information that the RTI reply received vide India Post Consignment number ES827291935IN was misplaced inadvertently while rearranging records. Upon search it could be traced out on 15/07/2018. The true copy is attached herewith for your kind perusal. However, the Appellant is not satisfied with the information provided. Because the information provided is incomplete. Attested true copy of remarks/notes of direction by the concerned authority to Smt. Aparna Ajitsaria, Registrar (Judicial) has not been provided.

In view of the above, kindly pass a speaking and reasoned order by directing the learned PIO to provide attested true photocopy of the remarks/notes of direction to her by the concerned authority whilst giving due considerations to the submission and exhibits placed on record.

Grounds Of Appeal:-

The appellant has cited as many as 17 grounds for appeal before receiving the reply from the PIO. But having received the reply from the PIO he has changed his stand and stated that the information provided is incomplete. Attested true copy of remarks/notes of direction by the concerned authority to Smt. Aparna Ajitsaria, Registrar (Judicial) has not been provided. In view of the change of circumstance we find it redundant to reproduce and discuss the grounds taken earlier.

Submission:- While admitting the appeal on 30.07.2018, the date for hearing was fixed on 06.08.2018, and the appellant was duly notified about the date, vide letter No. No.HC.XXXV.10/2018/166-170/RTI dated 30/07/2018.

The appellant has made written submission through e-mail, where in referring one case law **P.N. Duda Vs. P. Shiv Shankar & Others (AIR 1998 SC 1204)** he prayed for passing speaking order directing the PIO to provide attested true photocopy of order passed by the Hon'ble Chief Justice or by any other Puisne Judge in respect of the representation dated 27.03.2018 accompanied by signed letter of intimation u/r 5(2) of the Contempt of Court (Gauhati High Court) Rules, 1977.

Whereas, the respondent has admitted having not furnished the attested true photocopy of order passed by the Hon'ble Chief Justice or by any other Puisne Judge in respect of the representation dated 27.03.2018 accompanied by signed letter of intimation u/r 5(2) of the Contempt of Court (Gauhati High Court) Rules, 1977, as asked by the appellant, but she could not assigned any reason for such denial.

Decision and reasons thereof:-

We have gone through the appeal and the documents enclosed therewith carefully. Also we have gone through the record pertaining to the giving of information by the respondent carefully. It appears that the PIO has furnished reply to the query of the appellant. But the appellant is not satisfied because the information so provided to him is incomplete and attested true copy of remarks/notes of direction by the concerned authority to the PIO has not been provided.

Admittedly the PIO has not provided attested true copy of remarks/notes of direction by the concerned authority to the PIO. The record reveals that the respondent has put up the representation before Hon'ble the Chief Justice. And, thereafter, communicated the decision to the appellant. The respondent could not show that the requested information falls within the categories enumerated in section 8 & 9 of the Act and as provided in Rule 4(iii) of the Gauhati High Court (Right to information) Rules, 2008. Mention to be made here that every citizen is entitled to have the information which the Parliament and State Legislature can have in view of proviso to Section 8(1)(j).


The very object of RTI Act is to empower the public to seek information to ensure transparency, accountability, probity and propriety in a Public Authority. Having analysed the factual matrix of the case in hand, keeping in mind the above objectives, we find the sufficient merit in the contentions of the appellant.

In the result, the appeal stands allowed. The respondent is accordingly directed to furnish all the documents leading to generation of reply so furnished to the appellant or to



allow him to carry out inspection and making copies of same as per section 2(j) of RTI Act 2005 of the documents.

Let this order be communicated to the Appellant as well as the respondent and also be uploaded in the website of the Gauhati High Court.


01-09-2018
Registrar General
-cum-
Appellate Authority