

**BEFORE THE RTI APPELLATE AUTHORITY
GAUHATI HIGH COURT**

RTI Appeal No.-02/2023-24

Appellant	Mr. Habung Tamer
Respondent	Registrar (Judicial) & PIO, Gauhati High Court
Date of filing of Appeal	17.06.2023
Date of Notice to Parties	20.06.2023
Date of Hearing	01.07.2023
Date of Order	01.07.2023

ORDER

- (1) This RTI Appeal under Section 19 (1) of the RTI Act, 2005 has been preferred by Mr. Habung Tamer, Office of JMFC cum Civil Judge (Jr. Division), Changlang, District - Changlang, Arunachal Pradesh.

FACTS:

- (2) An RTI application being No.15011/106/2022-Admn-RTI.(11,12) was received by Registry of Gauhati High Court on 01.06.2023, being forwarded by the Ministry of Law and Justice and docketed as ID No.29/2023-24 dated 01.06.2023. Vide the said application the applicant/appellant sought information to the following effect:
"What are the charter of duties of the following officials of District Court under Gauhati High Court, Itanagar Permanent Bench: (i) Process Server, (ii) Peshkar and (iii) Sheristadar."
- (3) Pursuant thereto, learned PIO, Gauhati High Court vide letter No.HC.XXXV-04/2023-24/34/RTI dated 05.06.2023 provided information to the following effect: "*Sought for information is available at Gauhati High Court Civil Rules and Orders.*"

1.7.23

- (4) Being dissatisfied with the reply of the learned PIO, Gauhati High Court, the appellant has preferred this appeal on the ground that the information given is insufficient and vague.
- (5) Notice of date of present hearing was sent to the appellant by email and pursuant thereto, the appellant by revert email submitted that he would not be able to present himself for hearing and the same may be decided by the Appellate Authority. Today, also, a call on the given mobile No. of the Appellant was made by the office to once again ascertain whether the appellant would wish to submit anything further before the Appellate Authority, to which the appellant replied that he was working as Process Server in the Court of JMFC cum Civil Judge (Jr. Division), Changlang, and he had nothing else to submit.
- (6) Heard the learned PIO, Gauhati High Court and perused the records.

DECISION AND REASONS THEREOF

- (7) Learned PIO, Gauhati High Court has submitted that duties of staff of the Court including (i) Process Server, (ii) Peshkar and (iii) Sheristadar is available in the book Gauhati High Court Civil Rules and Order which has been published by various publishers. It has been submitted that when information is readily available in a published book, the learned PIO is not to conduct research or reproduce the contents thereof. Learned PIO has submitted that the appellant is to go through the contents of the said book and himself ascertain the relevant contents and interpret the same.
- (8) Considered the submissions advanced and perused the various provisions of the Gauhati High Court Civil Rule and Orders. On careful perusal of the contents of the said publication, it is apparent that the functions, role and duties of various functionaries of Court including that of (i) Process Server (ii) Peshkar and (iii) Sheristadar are available in the said Book. It is noted that interpretation of the provisions of the Gauhati High Court Civil Rules and Orders so as to discern the duties assigned to Process Server, Peshkar and, Sheristadar is not the role of learned PIO as envisaged under the provisions of RTI Act, 2005.
- (9) Records reveal that the learned PIO duly informed the appellant that the information sought for is available in the Gauhati High Court Civil Rules and Orders. Once the said information that is, the source, which is a published book in the instant case, is provided to the appellant, it is for the appellant to go through the contents of the published book and interpret the role, duties and functions of various staff of Court.
- (10) This Authority further notes that the Gauhati High Court Civil Rule and Orders are readily available in public domain (for example websites of Courts under the jurisdiction

of Hon'ble Gauhati High Court) and hence, it cannot be also said that the said published book is not available; which albeit is not even the portrayed case of the appellant.

- (11) In view of the discussion aforesaid, this Authority does not find any deficiency in the information provided by the learned PIO, Gauhati High Court to the appellant.
- (12) Before parting with the records, it has come to the notice of this Authority that the appellant is gainfully employed as a Process Server, in the establishment of JMFC cum Civil Judge (Jr. Division), Changlang, Arunachal Pradesh. Being a responsible member of the District Court services, it is expected of the appellant to read the provisions of the published book Gauhati High Court Civil Rules and Orders and delineate the duties of various office holders, as envisaged in the said Rules and Orders.
- (13) Let free copy of the Order be provided to the parties in their respective emails.
- (14) RTI Appeal stands disposed, accordingly.

1.7.23

REGISTRAR GENERAL
GAUHATI HIGH COURT
APPELLATE AUTHORITY