

OFFICE OF THE REGISTRAR GENERAL, GAUHATI HIGH COURT,
MAHATMA GANDHI ROAD, PANBAZAR, GUWAHATI
(Appellate Authority)

APPEAL ID. NO.01/2021-22

APPELLANT	:-	Mr. Jayanta Deka, S/o- Late Nabin Deka, M.N.G. Road, Rajapam, Mangaldai, Darrang
RESPONDENT	:-	Registrar (Judicial) & PIO, Gauhati High Court
DATE OF APPEAL	:-	23.07.2021
DATE OF HEARING	:-	07.08.2021
DATE OF ORDER	:-	09.08.2021


O R D E R

1. The Hon'ble High Court on 08th May, 2020 issued an Office Order No.25 which is reproduced herein below for convenience and ready reference –

“ OFFICE ORDER NO.25 ”

Dated 8th May, 2020

It is for information of all concerned that any type of case, application or affidavit filed in the Filing Section shall be listed after four (04) clear days. For example, if a case is filed on 1st day of the month, the same would be listed after four (04) clear days i.e. on 6th of that month.


9/8/2021

This direction shall not be diluted under any circumstance.

However, in case of matters involving extreme urgency, cases filed through pen drive as per Notification dated 15-04-2020, may be listed without strict observance of the above direction.

REGISTRAR GENERAL "

2. The appellant, Sri Jayanta Deka subsequently filed one application under Section 6 of the Right to Information Act, 2005 before the Registrar (Judicial)-cum-Public Information Officer of the Hon'ble High Court requesting to furnish two information as follows :-
 - "i) What is the scientific basis of keeping the cases, applications, affidavits in the drop box for a period of four days ?
 - ii) Whether Hon'ble High Court has any credible information that paper(s), mail, newspaper are carrier of Corona Virus?"
3. On receipt of the said application, the Public Information Officer sent a rejection letter dated 24.06.2021 informing the appellant that the information asked for could not be supplied as the information does not fall under the definition of "Information" as per section 2(f) of the Right to Information Act, 2005 and hence the Public Information Officer could not render any opinion, advice or reason in this regard.
4. Being aggrieved and dissatisfied with the rejection letter of the Public Information Officer dated 24.06.2021, the appellant has preferred this appeal under Section 19 of the Right to Information Act, 2005.
5. The appeal being registered, notices were issued to the parties concerned and the appellant was heard in the virtual mode whereas the Public Information Officer participated physically.

6. Heard Mr. Jayanta Deka, appellant and Mr. R. A. Tapadar, Registrar (Judicial)-cum-Public Information Officer and also perused the records.
7. The appellant has submitted that the Public Information Officer has refused to furnish information without any reasonable ground. It is argued that the Public Information Officer has totally misread the definition of "Information" as per Section 2(f) of the Right to Information Act, 2005. The basis/ reasons for which the Hon'ble Gauhati High Court took the decision of placing the hard copies of every petition filed before the court in the drop box for 4 days (quarantine period) has not been communicated. Such unprecedented decision must have some backing of credible scientific findings and the appellant only intended to know the scientific finding on the basis of which Hon'ble Court took such a decision. It is further argued that such scientific basis must be available in the Office of the Hon'ble Gauhati High Court and such material is within the scope and ambit of Section 2(f) of the Right to Information Act, 2005. According to him, the Public Information Officer was under the impression that the appellant sought for his opinion and thus committed an error in rejecting his application.
8. The Public Information Officer, on the other hand, submitted that the information sought by the appellant does not fall under the definition of "Information" as per Section 2(f) of the Right to Information Act, 2005 and as such, there is no illegality or infirmity in the said rejection letter dated 24.06.2021.
9. This appellate authority has considered the rival submissions and also meticulously perused the materials on record as well as the relevant provision of the Right to Information Act, 2005. A bare reading of the Office Order dated 08th May, 2020 would go to show that direction was issued for listing of the cases filed in the Filing



Section after four clear days. In case of extreme urgency, the case filed through Pen-drive as per notification dated 15.04.2020 may be listed without strict observance of the above direction. It would go to show that the order was issued in administrative exigency. Nowhere in the said Office Order, there is a single whisper about putting the application or affidavit in any drop box. There is no whisper that such petition or affidavit would be kept for four days in the said drop box. It only speaks about listing of the cases filed after four clear days of filing. Therefore, furnishing of any information about existence of scientific basis for keeping the case, application, affidavit in drop box for a period of four days is without any context. In such an event the Public Information Officer had no other option but to intimate the appellant that he could not render any opinion, advice or reason.

10. Similarly, the second query as to whether Hon'ble High Court has any credible information that paper(s), mail, newspaper are carrier of Corona Virus is also without any context to the aforesaid Office Order dated 8th May, 2020. The appellant has submitted that since there was no such order issued earlier by Hon'ble High Court before the advent of the Covid-19 pandemic, the reason as to what actually necessitated the Hon'ble High Court to pass such an order would also come within the ambit of definition of "Information" under the Right to Information Act, 2005. As has already been discussed above that the Office Order dated 8th May, 2020 was issued for administration of justice only during the rise of Covid-19 pandemic in the state, the question of the Hon'ble High Court of having any credible information that paper(s), mail, newspaper are carrier of corona virus is also without any context. Such information as sought by the appellant does not at all fall within the definition of 'information' under Section 2(f) of the Right to Information Act, 2005 and as such the Public Information Officer rightly informed the appellant that he could not render any opinion, advice or reason in this regard.

11. Before parting, it may be worth mentioning to refer the Notification dated 15.04.2020 issued by Hon'ble High Court which is referred in the Office Order dated 08th May, 2020 for clearing the doubts, if any. In the said Notification dated 15.04.2020, various directions were issued by Hon'ble High Court regulating functioning of the Hon'ble High Court during the Covid-19 pandemic which includes amongst others some directions for holding of courts through Video Conferencing as well as filing and listing of cases etc.. Nowhere in the said Notification there is a whisper of filing of application, petition or affidavit in any drop box. Therefore, it is quite clear from the reading of the Office Order dated 8th May, 2020 along with the Notification dated 15.04.2020 that the directions in the office order dated 08th May, 2020 were made for administration of justice and regulating court works only.
12. In view of the aforesaid facts and circumstances, this appellate authority does not find any cogent ground for interference with the order of rejection of the Public Information Officer dated 24.06.2021. Hence, the appeal being devoid of merit stands dismissed and accordingly disposed of.
13. Send a copy of this order to the appellant and the Registrar (Judicial) -cum- Public Information Officer, Hon'ble Gauhati High Court, Guwahati. Original copy be kept in the records.

Signed on this 09th day of August, 2021 under my hand and seal at Guwahati, Kamrup (M), Assam.



Registrar General & Appellate Authority