

THE GAUHATI HIGH COURT

(THE HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

HC. XXXV-08/2024-25/354 /RTI Appl.

Dated -...10./03/2025

From : Smti. Panchai Sarma
Deputy Registrar (Judl.) cum APIO
Gauhati High Court, Guwahati - 781001

To : Mr. Reetam Singh
3B, Prokash Enclave, Harbala Road,
Ulubari, Near ASTC Workshop, Ghy-007

Sub :- Forwarding of RTI Appeal Order dated 06/03/2025.

Ref : RTI Appeal Regd. ID. No. 08/2024-25 dated 06/02/2024.

Sir,

With reference to the subject cited above and as directed, please find enclosed herewith a true copy of the Order dated 06/03/2025, passed by the Hon'ble Appellate Authority in RTI Appeal under reference.

Yours Sincerely

Encl: 4 pages of Order

S.
10/03/2025.

Deputy Registrar (Judl.) cum APIO
Gauhati High Court, Guwahati

Memo No. HC. XXXV-08/2024-25/355 /RTI Appl. Dated 10 /03/2025

Copy to:-

1. The Registrar (Judl) & PIO, Gauhati High Court.
2. The System Analyst, Gauhati High Court, Guwahati. He is requested to upload the 4 pages of order in the Gauhati High Court website.

S.
10/03/2025.

Deputy Registrar (Judl.) cum APIO
Gauhati High Court, Guwahati

N.M.
10/3/25

OFFICE OF THE REGISTRAR GENERAL, GAUHATI HIGH COURT,

MAHATMA GANDHI ROAD, PANBAZAR, GUWAHATI

(Appellate Authority)

RTI Appeal Id No. 08/2024-25

Appellant : Reetam Singh
3B Prokash Enclave 9 Harabala Road Ulubari near ASTC
Workshop, Kamrup Metropolitan, Assam, Pin: 781007

Respondent : Registrar (Judicial) & PIO,
Gauhati High Court.

Date of Appeal : **06.02.2025**
Date of Hearing : **06.03.2025**
Date of Order : **06.03.2025**

ORDER

1. The appellant is represented by the learned counsel and the Registrar (Judicial) & PIO is also present. Heard both the sides and also perused the appeal memo along with the connected documents.
2. Sri Debabrata Saikia, Leader of Opposition, Assam Legislative Assembly, wrote a letter to the Hon'ble Chief Justice of India on 19-12-2024 regarding privileges and duties of learned Advocate General of Assam and violation thereof by holding an office of profit.
3. The appellant filed an application under the Right to Information Act, 2005 (hereinafter RTI Act, in short), on 12/01/2025, before the respondent seeking the following informations:-
 - (i) Provide certified true information upon the action taken by the Chief Justice of Gauhati High Court upon the letter dated 19th December 2024 from Sri Debabrata Saikia.
 - (ii) Provide certified true information whether the Office of the Advocate General of Assam falls under the ambit of the definition of Government Servant?


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- (iii) Provide certified true information on whether the Office of the Advocate General of Assam falls under the ambit of definition of public servant?
- (iv) Provide certified true information whether an Advocate under Rule 48 of the Bar Council of India Rules under Advocates Act 1961 is entitled to take Secretarial Role in an Organisation which is a registered society?
- (v) Provide certified true information if the Advocate General of Assam is still enjoying Cabinet rank including perks and facilities as per Judicial Department memorandum dated 21st May 2021.
- (vi) Provide certified true information whether the Advocate General of Assam undertaking the role of General Secretary of Board of Cricket Control of India would amount to violation of Rule 48 of Bar Council of India Rules?
- (vii) Provide certified true information on the number of Judges whose kins were found to be employed as Junior Counsel by Sri Devojit Lon Saikia while they were serving Gauhati High Court?
- (viii) Provide certified true information of cases where Sri Devojit Lon Saikia was the Government Pleader in front of Judges of Gauhati High Court whose children were employed by the Advocate General of Assam Sri Devojit Lon Saikia.
- (ix) Provide certified true information on the number of cases that were sent for de novo hearing or mistrial after prejudice of judge were discovered due to misconduct by Advocate General of Assam by employing the kins of the Judges while they were serving in Gauhati High Court.
- (x) Provide certified true information on whether a practicing Advocate functioning as Government Pleader and nominated to a Constitutional Post being selected as the Secretary of BCCI will amount to violation of the guidelines of Justice Lodha Committee Report of Supreme Court?

4. On 24.01.2025, the respondent informed the appellant that the letter dated 19.12.2024 was not addressed to the Hon'ble Chief Justice of the Hon'ble Gauhati High Court and also informed that the information, as mentioned at Sl. No. (vii), (viii) and (ix) were not maintained by the Registry for which no information could be furnished in that regard.

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It was also informed that all the other queries were related to the Government of Assam and Bar Council of Assam, for which, 2(two) separate transfer letters were issued. Being aggrieved, the appellant preferred this appeal on 11.02.2025.

5. The learned counsel for the appellant has submitted that the reason shown in the reply dated 24.01.2025 is not satisfactory, since, the aforesaid application dated 12.01.2025, addressed to the Hon'ble Chief Justice of India was forwarded to the Hon'ble High Court; and even thereafter, the informations sought for were not furnished.
6. Per contra, the respondent has submitted that the aforesaid communication from the Hon'ble Supreme Court of India was received after replying to the application on 24.01.2025; and as such, it cannot be said that the information, as sought for, was deliberately not supplied for which there was no cause of action for preferring the appeal.
7. Having heard the learned counsel for the appellant and the respondent-in-person, and upon perusal of the materials placed before this Authority, this Authority is satisfied that the application dated 19.12.2024 was addressed to the Hon'ble Chief Justice of India and not to the respondent. No communication, whatsoever, was ever made to the Hon'ble Chief Justice of the Hon'ble Gauhati High Court and a perusal of the letter dated 19.12.2024 would go to show that it was a letter addressed to the Hon'ble Chief Justice of India only, without even marking a copy to the Hon'ble Chief Justice of the Gauhati High Court for any action to be taken.
8. Although the learned counsel for the appellant has submitted that the aforesaid application was forwarded from the Hon'ble Supreme Court of India, there is no material available in the record to show that the same was received by the Office of the Hon'ble Chief Justice of the Hon'ble Gauhati High Court, prior to the reply of the respondent on 24.01.2025. It is fairly admitted by the respondent that the aforesaid letter dated 19.12.2024 was received after 24.01.2025. As such, the fact remains that the reply was already given to the appellant on 24.01.2025, which was prior to the receipt of the aforesaid letter.
9. Therefore, there was no occasion for the respondent to furnish the informations, pertaining to the letter dated 19.12.2024, apparently addressed to the Hon'ble Chief


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Justice of India. Besides, the reply dated 24.01.2025 would also go to show that the respondent informed the appellant that the information, as sought in Sl. No. (vii), (viii) and (ix) were not maintained by the Registry for which the same could not be furnished; and other communications were also made to the Government of Assam and Bar Council of Assam, Mizoram, Arunachal Pradesh and Sikkim, for furnishing the other informations, as sought for.

10. Hence, it cannot be said that the respondent in any manner, whatsoever, did not adhere to the provisions of the RTI Act. In view of the aforesaid, this Authority is of the considered view that there is no sustainable ground for an appeal; and hence, the appeal, being devoid of merit stands dismissed; and disposed of accordingly.
11. The parties be informed accordingly by the concerned department and the copies of this order be supplied to both the parties besides uploading the same in the official website, immediately.


**Appellate Authority-Cum-
Registrar General, Gauhati High Court.**