

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

RTI Appeal Id No. 04/2023-24

Appellant : Biswajit Debnath
Quarter No. B-133, A & B Type Residency,
IIT Guwahati Campus, IIT Guwahati Sub
Post Office, Guwahati-781039.

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

Date of Appeal : **03.11.2023**
Date of Hearing : **02.12.2023**
Date of Order : **12.12.2023**

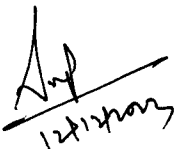
ORDER

The instant RTI appeal has been preferred under Section 19(1) of the Right to Information Act, 2005 by the appellant Mr. Biswajit Debnath.

The brief facts leading to this appeal is that, on 29.09.2023, the appellant, Mr. Biswajit Debnath has submitted one RTI application under Section 6 of the Act before the Public Information Officer (PIO), Gauhati High Court, Guwahati, seeking certain information regarding rejection of his earlier RTI application dated 13.10.2022 for providing certain information and also prayed for furnishing documents and the opinions/ advices/ notes recorded by the various functionary while closing the matter of earlier RTI. The information sought are as follows:-

By virtue of the Section 2(f) of RTI Act, 2005, be pleased to-

- (i) Provide information in pursuance of disposing of the e-mail dated 13.10.2022 (Annexure-1), precisely as per the following format. There will be as many rows as the number of functionaries who dealt with the said e-mail.


12/12/2023

Sl. No.	Date on which e-mail dated 13.10.2022 received	Name and Designation of the Receiving functionary	Steps taken, and date on which e-mail dated 13.10.2022 forwarded	Name and Designation of person to whom e-mail dated 13.10.2022 forwarded
1				
2				
....				
n				

- (ii) Provide information in pursuance of disposing of the e-mail dated 24.09.2023 (Annexure-2), precisely as per the following format. There will be as many rows as the number of functionaries who dealt with the said e-mail.

Sl. No.	Date on which e-mail dated 24.09.2023 received	Name and Designation of the Receiving functionary	Steps taken, and date on which e-mail dated 24.09.2023 forwarded	Name and Designation of person to whom e-mail dated 24.09.2023 forwarded
1				
2				
....				
n				

- (iii) Furnish copy of all the documents which were generated in pursuance of disposing of the aforesaid e-mails (Annexure-1, Annexure-2);
- (iv) Furnish details of opinions/ advices/ notes recorded by any of the authorized functionary in pursuance of disposing of the aforesaid e-mails (Annexure-1, Annexure-2);
- (c) Period for which information asked for: -13th October, 2022 to till date.

Handwritten signature and date: 12/10/2022

- (d) Other details: - The sought for information herein pertains to business not of a judicial character.

In reply to the above queries, the PIO has given reply to the Question No. (i) & (ii) filed as follows:-

- i. Office of Registrar General, Gauhati High Court forwarded the said e-mail to the Office of Registrar (Vigilance) on 13.10.2022. The applicant submitted this RTI application on 29.09.2023 and Office of Registrar (Vigilance) could not trace out the said e-mail due to limitation of storage capacity of the official e-mail.
- ii. Office of Registrar General, Gauhati High Court forwarded the said e-mail to the Office of Registrar (Judicial) & IT on 06.10.2023. The same report was placed before Registrar General and it was directed that no further action was required.

The appellant being aggrieved with the reply furnished by the PIO preferred this appeal mainly on the ground that answers to Query Nos. (iii) & (iv), particularly the documents were not furnished though they are not confidential one and thereby the action of PIO should be treated as denial to furnish information which is otherwise not barred.

It is also pleaded that non-furnishing the documents, the petitioner/ appellant was deprived of his rights and thereby same will defeat of the objection of the RTI Act.

I have personally heard the appellant as well as learned PIO, Gauhati High Court.

The appellant, during hearing, has submitted that he has simply sought the documents which were used in decision making process by the appropriate authority, particularly leading to form the opinion that "no action is required" on the earlier RTI application. On the other hand, learned PIO has stated that the document sought are of internal process and as such, the petitioner is not entitled for the same.

I have considered the original application, gone through the appeal memo and also the documents basing on which, the office note was prepared by Registrar (Judicial) and was placed before the Registrar General.

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12/12/2023

On careful perusal of the queries raised by the appellant vide his RTI application dated 29.09.2023, it appears to me that the copies of the documents generated for disposing the earlier RTI application are available in public domain and as such there cannot be any restriction under Section 8 of RTI Act. Moreover, while putting note that "no further action is required need to be taken" by the competent authority in the Office Note, same must be treated as a part of decision making process based on report generated by the concerned branch. The decision making process is though not available in the public domain, but the petitioner has the right to know as to on what basis a decision was taken on his earlier RTI application.

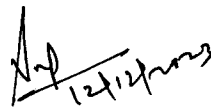
I am of the considered view that this process doesn't in any way fall under the restrictions mentioned under Section 8 of the RTI Act. Moreover, the information which are not provided, no way comes under Section 11 of the RTI Act.

In view of the above, I am of the opinion that the learned PIO should have furnished the information regarding Column No. (iii) & (iv) along with document and the office note dated 06.10.2023.

In view of above, the appeal is allowed. The PIO is directed to furnish the information sought in Column No. (iii) & (iv) to the appellant within next 15 (fifteen) days from the date of receipt of copy of this order.

Furnish free copy of this order to the appellant as well as the PIO.

The appeal is disposed of accordingly.

Handwritten signature and date: 12/12/2023

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