

OFFICE OF THE REGISTRAR GENERAL, GAUHATI HIGH COURT,

MAHATMA GANDHI ROAD, PANBAZAR, GUWAHATI

(Appellate Authority)

RTI Appeal Id No. 07/2024-2025

Appellant : Smti Sashi Maheswari
Mob: 9435140224, 38, Bye Lane 6, Tarun Nagar/ABC
Guwahati 781005

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

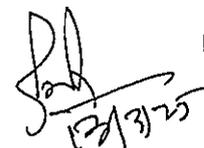
Date of Appeal : **21.02.2025**
Date of Hearing : **13.03.2025**
Date of Order : **13.03.2025**

ORDER

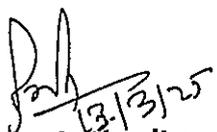
1. The appellant filed an application on 10.01.2025 under the Right to Information Act, 2005 ('The Act', hereinafter) seeking certain information including a copy of the Library Policy, dated 09.11.2010, of the Gauhati High Court.
2. On 05.02.2025, the respondent, the Registrar (Judicial) & PIO ('the respondent', hereinafter) furnished the other informations except the copy of the aforesaid Library Policy. In the reply, the respondent informed the appellant that the Library Policy above referred consisted various parts where some parts contained confidential information, and the appellant was requested to specify as to which part of the policy was relevant for her. Being aggrieved, the appellant has preferred this instant appeal on the ground that the aforesaid Library Policy cannot, in any manner, be treated as a confidential document and without knowing the contents thereof, it was not possible on her part to specify as to which part of the policy was relevant for her.


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3. Heard Mr. Ashok Kumar Maheswari, who has been authorized to represent the appellant Smti Sashi Maheswari; and Sri Subhrangsu Dhar, Registrar (Judicial) & PIO. Also perused the appeal memo along with all the connected papers.
4. Mr. Maheswari has submitted that the transfer policy, in question, cannot be treated as a confidential document since the same is not included amongst the categories stipulated under Section 8 of the Act, in which disclosure of certain information are specifically exempted. It is further submitted that since the aforesaid policy did not come within the ambit of Section 8 of the Act, there was no occasion for the respondent to withhold the information as sought for. It is also submitted that without going through the contents of the policy in question, it was not possible on the part of the appellant to specify as to which part was relevant for her; and as such, the impugned reply of the respondent is not sustainable.
5. Per contra, Mr. Dhar has submitted that the policy in question dates back to the year 2010 when the Gauhati High Court exercised jurisdiction over 7(seven) states and the said policy is yet to be amended. The aforesaid policy contained various parts in which certain parameters were framed by the High Court which governed the outlying Benches of the Gauhati High Court in all the 7(seven) States as well as the district Courts. The aforesaid policy also contains certain parts as to the allotment and distribution of various books/ journals to the Hon'ble Judges including the Hon'ble Chief Justice; and hence, without being informed by the appellant as to which part was relevant for her, it was not possible on the part of the respondent to furnish the entire copy of the policy, in question, to the appellant for which it cannot be said that the impugned order is not sustainable in the eyes of law.
6. This Authority has meticulously gone through the policy in question and has found that the same consists of three parts in Appendix-A, B & C. Appendix-A deals with the Weeding Policy and Procedure, Appendix-B consists of the Policy on Library Management and Purchase Policy of Books/Journals for District Court Library; and Appendix-C consists of the Policy on Library Management and Purchase Policy of Books /Journals for High Court Libraries. The policy, in question, relates to the matters as to which books and journals are to be procured and in what manner. It also provides for the policy of Weeding out of books. Having perused the policy in question, this Authority has found that the policy does not contain any confidential matter which should be exempted from disclosure in terms of Section 8 of the Act.


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7. Therefore, this Authority is of the considered view that there was no bar on the part of the respondent in furnishing the policy, in question, to the appellant. It can be very well understood that since the appellant was unaware of the policy in question, it could not be expected of her to specify as to which part was relevant for her. Therefore, this Authority finds sufficient force in the appeal; and accordingly, the appeal stands allowed and disposed of with a direction to the respondent to furnish the policy, in question, to the appellant forthwith. The impugned reply is interfered to the extent as indicated above.
8. Furnish this order to both the parties immediately and the Concerned Section is to do the needful for uploading the same in the official website forthwith.


Appellate Authority
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Registrar General,
Gauhati High Court