

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

**RTI Appeal Id No. 05/2023-24**

Appellant : **Smti. Sashi Maheswari,**  
Mob: 94351 40224  
38, Bye Lane 6, Tarun Nagar/ ABC  
Guwahati-781 005.

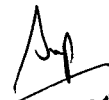
Respondent : **Registrar (Judicial) & PIO,**  
Gauhati High Court.

Date of Appeal : **06.12.2023**  
Date of Hearing : **20.12.2023**  
Date of Order : **28.12.2023**

**ORDER**

Mr. A.K. Maheswari, Advocate, was present for the appellant. Learned PIO cum Registrar (Judicial) is also present during hearing.

I have heard both the sides. This application under Section 19(1) of RTI Act, 2005 is received from Smti. Sashi Maheswari, Guwahati on 24.11.2023 without paying the requisite fees of Rs. 50/-. Subsequently, on being asked the appellant has submitted the fees on 06.12.2023. Moreover, as the appeal was preferred with delay of 12 days, upon hearing both the sides, the delay was condoned vide order dated

  
28-12-2023

07.12.2023 and accordingly both the parties were heard on 20.12.2023 on merit of the appeal.

The appellant has preferred an application under RTI Act with following queries:-


1. Number of copies subscribed of Gauhati Law Reports and Gauhati Law Times for Subordinate Judiciary (for all Courts, Tribunals and Judicial Officers) for the year 2020. (ID. No. 79)
2. Number of copies subscribed of Gauhati Law Reports and Gauhati Law Times for Subordinate Judiciary (for all Courts, Tribunals and Judicial Officers) for the year 2021, 2022 & 2023 (ID. No. 80).

In reply to the above queries, the PIO has given reply to the Question No. 1 & 2 filed as follows:-

"The replies to your queries involves information relating to Commercial Confidence and as per Section 8(1)(d) of Right to Information Act, 2005 and Rule 5 (b) of the Gauhati High Court (RTI) Rules, 2008, "information which involves Commercial confidence, barred from disclosure, unless the Chief Justice is satisfied that larger public interest warrants the disclosure of such information". Hence, the information could not be disclosed to you."

Being aggrieved with aforesaid replies, the appellant has filed the appeal on the following grounds:-

- a. That, she had not asked for price of the journal as which they have supplied but only number of copies subscribed;
- b. That, in earlier occasions, even not only number copies subscribed, complete resolution of the meeting of the Library committee were supplied to her in 2019;

  
28.12.2023

c. That, as the journals were purchased at subscriptions provided and as no quotation was called for, question of harming any competitors does not arise.

During hearing on the appeal; Mr. A.K. Maheswari, appearing for the appellant, has submitted that as he has requested for number of copies of GLR and GLT subscribed for Subordinate Judiciary for the last 4 years only; there should not be any question of commercial confidence. He has also pointed out that the journals were purchased by the High Court, and as such non-furnishing of the information under Section 8(1)(d) of RTI Information Act, 2005 and Rule 5(b) of Gauhati High Court (RTI) Rules, 2008 is totally misconceived and amounts to refusal to furnish the required information by the learned PIO.

On the other hand the learned PIO has defended his action of non-furnishing of the cited information on the ground that even the quantities requested should come under Commercial confidence.

I have considered the submissions and gone through the appeal memo, the documents and relevant rules.

On careful perusal of Section 8(1)(d) and Rule 5(b) of the Gauhati High Court (RTI) Rules, 2008, I am of the considered opinion that furnishing information relating to number of copies procured by Hon'ble Gauhati High Court for distribution amongst Subordinate Judiciary including Tribunals and other Courts do not fall within the ambit of Commercial Confidence as those procurements are done from public exchequer. As such, any interested person has the right to know the number of copies purchased by the High Court for District Judiciary/ other Courts, etc. So far as prices are concerned those might have covered under Commercial confidence only. I find force on the grounds of the appeal and is of the considered view that

  
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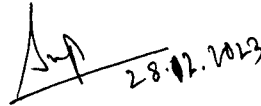
furnishing such information in no way fall under the restrictions mentioned under Section 8(1) (d) of RTI Act or under Rule 5(b) of the Gauhati High Court (RTI) Rules, 2008. Moreover, the information as sought for also do not come under Section 11 of the RTI Act.

I am of the opinion that the learned PIO should have furnished the information as requested in her RTI application.

In view of above, the appeal is allowed. The PIO is directed to furnish the information sought in Column No. 1 & 2 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.

A handwritten signature in black ink, followed by the date '28.02.2023' written in a similar style.

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