



**OFFICE OF THE
ASSAM STATE INFORMATION COMMISSION
JONAKEE COMPLEX, PANJABARI, GUWAHATI-781 037**

Case No. : **DBR 23/2013**

Complainant/ appellant : **Sri. Lala Ahmed**

Respondent : **CJM, Dibrugarh .**

Date of order : **01-03-2016**

Complaint/ Second : **Shri H.S. Das, IAS (Retd)**
appeal heard by **Chief Information Commissioner, Assam**

O R D E R

The petitioner/appellant Sri. Lala Ahmed as well as the public authority to be represented by the SPIO of the office of Chief Judicial Magistrate, Dibrugarh, Dist- Dibrugarh both were absent on 10-2-2015 – the date which was fixed for hearing of the second appeal petition dated 17-5-2013.

However, the written communication dated 4-12-2015 from the District and Sessions Judge, Dibrugarh addressed to this Commission has in the meanwhile been received. Another communication dated 3-12-2015 from the PIO of the office of the District and Sessions Judge, Dibrugarh has also been received.

From perusal of the case records and the written submission of the District and Sessions Judge, Dibrugarh, it is seen that the petitioner filed an RTI petition dated 5-3-2013 before the Deputy Commissioner, Dibrugarh seeking certified copies of “last Order” and judgment of the Chief Judicial Magistrate, Dibrugarh in GR No. 691/2010, which was disposed of on 14-2-2013. Vide Memo No. 6/13 dated 14-2-2013 the information sought for was denied by the PIO- CJM, Dibrugarh, on the ground that the RTI petition was not in proper format and was vague in nature.

Thereafter, the petitioner filed first appeal petition dated 30-3-2013 before the District and Sessions Judge which is shown to have been received in the office of the Deputy Commissioner, Dibrugarh. The Additional Deputy Commissioner, Dibrugarh transferred the application to the CJM , Dibrugarh vide his letter dated 6th April, 2013. The first Appellate Authority and the District and Sessions Judge informed the petitioner vide letter dated 9-5-2013 that the appeal cannot be admitted as no rejection order was attached against which the appeal was preferred and because no appeal fee was deposited.

This Commission observes that applicants seeking information from Judicial Courts have to follow the Gauhati High Court (Right to Information) Rules, 2008, which was notified on 23-5-2008. Under the said Rules RTI applications have to be accompanied by a fee of Rs. 50/- . The petitioner does not appear to have complied with these requirements. Moreover, the information sought for by the petitioner, i.e., certified copies of Court orders , which can be obtained from the concerned Court by paying the fees as prescribed in the Gauhati High Court Rules, 2007 and Gauhati High Court Civil / Criminal Rules as may be applicable, seems to be exempted from disclosure under Rule 5 (e) of the Gauhati High Court (Right to Information) Rules, 2008.

In view of the above, the second appeal petition dated 17-5-2013 is dismissed. The RTI petitioner / appellant may obtain the required information from the concerned Court in pursuance of the above-mentioned Rules of Gauhati High Court.

**Sd/-
(H. S. Das)
Assam Chief Information Commissioner,
Panjabari, Guwahati**

Authenticated true copy.

Sd/-

**Registrar
Assam Information Commission**

Memo No. DBR.23/2013/ -A

Dated. 01-03-2016

Copy to:,

1. The PIO of the office of Chief Judicial Magistrate, Dibrugarh, Dist- Dibrugarh for information and necessary action.
2. District and Sessions Judge, Dibrugarh, Old Court Building , Near Phool Bagan, District- Dibrugarh-786 001
3. Sri. Lala Ahmed Graham Bazar, Lachit Path, P.O & PS- Dibrugarh for information
4. Computer Section for uploading in the Website.
4. Office File.

**Secretary & Registrar
Assam Information Commission**