



CNR: KAHC010233172024

NC: 2026:KHC:47380
WP No. 13373 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 13373 OF 2024 (GM-RES)

BETWEEN:

1. SHRI. RAMESH BABU N
AGED ABOUT 55 YEARS,
R/AT NO 298,
B.T.S MAIN ROAD 14TH CROSS,
WILSON GARDEN,
BENGALURU - 560 030

... PETITIONER

(BY SRI. VINCENT P J., ADVOCATE)

AND:

1. STATE INFORMATION COMMISSION
MAHITHISOUDHA,
DEVARAJ URS ROAD,
OPPOSITE WEST GATE 2 OF
VIDHANA SOUDHA
BENGALURU - 560 001
2. PUBLIC INFORMATION OFFICER AND
UNDER SECRETARY
MAHITHISOUDHA,
DEVARAJ URS ROAD,
OPPOSITE WEST GATE 2 OF
VIDHANA SOUDHA
BENGALURU - 560 001
3. FIRST APPELLATE AUTHORITY/
SPECIAL COMMISSIONER
MAHITHI SOUDHA
DEVARAJ URS ROAD
OPP. WEST GATE 2 OF
VIDHANA SOUDHA,



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BENGALURU - 560 001.

... RESPONDENTS

(BY V/O DATED 02/06/2026,
SRI SHARATH GOWDA, ADVOCATE FOR R1,
SRI. MOHAMMED JAFAR SHAH, AGA FOR R2 & R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OF MANDAMUS AGAINST THE R-2 BY DIRECTING TO FURNISH THE INFORMATION / DOCUMENTS SOUGHT BY THE PETITIONER AND TO QUASH THE IMPUGNED ORDER DTD. 01.12.2022 (ANNX-A) IN PROCEEDING KIC/18321/APL/2022 PASSED BY THE R-1.

THIS WRIT PETITION COMING ON FOR ORDERS AND HAVING BEEN RESERVED FOR ORDERS ON 08.09.2026, THIS DAY, THE COURT PRONOUNCED THE FOLLOWING:
:

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

CAV ORDER

1. The petitioner is before this Court seeking for the following reliefs:

1. *Issue a Writ of mandamus against the 2nd Respondent by directing to furnish the information / documents sought by the Petitioner and to quash the Impugned Order dated 01.12.2022 (Annexure A) in proceeding KIC/18321/APL/2022 passed by the 1st Respondent.*
2. *Issue any such Writ or pass such other order/orders as deemed fit to be granted in the facts and circumstances of the case to serve the interest of justice and equity.*



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2. The petitioner submitted an application under Section 6 of the Right to Information Act, 2005, seeking information concerning proceedings taken against Public Information Officers under Sections 20(1) and 20(2) of the Act.
3. In particular, the petitioner sought the names of the Public Information Officer or Public Information Officers against whom penalty had been imposed under Section 20(1), the amount of penalty imposed and the amount recovered pursuant to such penalty. The petitioner also sought information concerning Public Information Officers against whom disciplinary action had been recommended under Section 20(2).
4. The Public Information Officer declined to furnish the information on the ground that the information sought was not maintained by the office in the form in which it had been requested. The petitioner thereafter pursued the remedies available under the Act. The First Appellate Authority did not grant the relief sought. The matter was thereafter carried before the Karnataka Information Commission, which also did not furnish the information in the manner sought.



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5. The petitioner has consequently approached this Court challenging the orders passed by the concerned authorities and seeking a direction to furnish the information sought in the RTI application.
6. The controversy, therefore, is not about the existence of the petitioner's right to seek information under Section 6 of the Act. The question is whether the fact that the information is not maintained in a consolidated form is, by itself, sufficient to reject the request, particularly when the information relates to the implementation of the RTI Act itself.
7. During the course of hearing, this Court also considered the practical consequences of requiring the Karnataka Information Commission to collect and compile such information from individual files. The Commission is required to deal with a substantial number of complaints and appeals under the Act. The time and resources available to it are consequently limited.
8. In this context, it was brought to the notice of the Court in another proceeding that six applicants had filed nearly 22,000 applications out of approximately 45,000 applications pending before the Commission. This Court does not propose to express any opinion



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in the present proceedings on the maintainability or merits of those applications. The figures are noticed only to appreciate the administrative context in which the present request has to be considered.

9. The Court had also sought to ascertain from learned counsel appearing for the petitioner the circumstances in which the information was sought. Learned counsel submitted that the petitioner was a public-spirited person.
10. The submission, however, does not call for any further examination of the petitioner's motive or purpose. Section 6(2) of the Act expressly provides that an applicant shall not be required to give any reason for requesting information or to furnish any personal details other than those necessary for contacting the applicant. The petitioner was, therefore, under no obligation to establish a personal interest in the information or to disclose the purpose for which it was sought.
11. Section 6 is reproduced hereunder for easy reference;

6. Request for obtaining information.—(1) A person, who desires to obtain any information under this Act, shall make a request in writing or through electronic means in



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English or Hindi or in the official language of the area in which the application is being made, accompanying such fee as may be prescribed, to—

(a) the Central Public Information Officer or State Public Information Officer, as the case may be, of the concerned public authority;

(b) the Central Assistant Public Information Officer or State Assistant Public Information Officer, as the case may be,

specifying the particulars of the information sought by him or her:

Provided that where such request cannot be made in writing, the Central Public Information Officer or State Public Information Officer, as the case may be, shall render all reasonable assistance to the person making the request orally to reduce the same in writing.

(2) An applicant making request for information shall not be required to give any reason for requesting the information or any other personal details except those that may be necessary for contacting him.

(3) Where an application is made to a public authority requesting for an information,—

(i) which is held by another public authority; or

(ii) the subject matter of which is more closely connected with the functions of another public authority,

the public authority, to which such application is made, shall transfer the application or such part of it as may be appropriate to that other public authority and inform the applicant immediately about such transfer:

Provided that the transfer of an application pursuant to this sub-section shall be made as soon as practicable



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but in no case later than five days from the date of receipt of the application.

12. The Court is nevertheless required to consider the nature and extent of the information sought and the manner in which it is maintained. The present request is not confined to a particular proceeding, officer, period or order. It covers, in substance, proceedings in which the powers under Sections 20(1) and 20(2) have been exercised.
13. Section 20 is reproduced hereunder for easy reference;

20. Penalties.—(1) *Where the Central Information Commission or the State Information Commission, as the case may be, at the time of deciding any complaint or appeal is of the opinion that the Central Public Information Officer or the State Public Information Officer, as the case may be, has, without any reasonable cause, refused to receive an application for information or has not furnished information within the time specified under sub-section (1) of section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall impose a penalty of two hundred and fifty rupees each day till application is received or information is furnished, so however, the total amount of such penalty shall not exceed twenty-five thousand rupees:*

Provided that the Central Public Information Officer or the State Public Information Officer, as the case may be, shall be given a reasonable opportunity of being heard before any penalty is imposed on him:



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Provided further that the burden of proving that he acted reasonably and diligently shall be on the Central Public Information Officer or the State Public Information Officer, as the case may be.

(2) Where the Central Information Commission or the State Information Commission, as the case may be, at the time of deciding any complaint or appeal is of the opinion that the Central Public Information Officer or the State Public Information Officer, as the case may be, has, without any reasonable cause and persistently, failed to receive an application for information or has not furnished information within the time specified under sub-section (1) of section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall recommend for disciplinary action against the Central Public Information Officer or the State Public Information Officer, as the case may be, under the service rules applicable to him.

14. If such information is not maintained in a consolidated form, responding to the request may require examination of a large number of individual proceedings, identification of the relevant orders and recommendations, extraction of the particulars sought and preparation of a fresh compilation.
15. The issue, therefore, requires consideration from two perspectives. The right of a citizen to obtain information cannot be curtailed merely because the public authority has failed to maintain the information in the form in which it is sought. At the same time, the Act does not require a public



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authority to create a new record or undertake an unrestricted exercise of reconstruction and analysis of its entire records merely because a broad request has been made.

16. The question is consequently whether the existing statutory scheme provides a means of protecting the right of access to information while also ensuring that public authorities, and particularly the Information Commission, are not repeatedly required to undertake an exercise which can reasonably be avoided by proper record maintenance and proactive disclosure.
17. The principal question for consideration is whether the information sought by the petitioner could have been rejected merely because the respondents did not maintain the information in the consolidated form in which it was sought.
18. The right to information is a statutory right. Section 3 confers the right upon citizens, while Section 4 places corresponding obligations upon every public authority. Section 4(1)(a) requires public authorities to maintain their records duly catalogued and indexed in a manner which facilitates the right to information. It also requires appropriate records to



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be computerised, subject to the availability of resources. Section 4(1)(b) requires specified categories of information to be published and updated every year. Section 4(2) goes further and requires every public authority to make a constant endeavour to provide as much information as possible to the public suo motu, including through the internet, so that the public has minimum resort to the Act.

19. Sections 3 is reproduced hereunder for easy reference;

3. Right to information.—*Subject to the provisions of this Act, all citizens shall have the right to information.*

20. Section 4 is reproduced hereunder for easy reference;

4. Obligations of public authorities. —(1) Every public authority shall—

(a) maintain all its records duly catalogued and indexed in a manner and the form which facilitates the right to information under this Act and ensure that all records that are appropriate to be computerised are, within a reasonable time and subject to availability of resources, computerised and connected through a network all over the country on different systems so that access to such records is facilitated;

(b) publish within one hundred and twenty days from the enactment of this Act,—



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(i) the particulars of its organisation, functions and duties;

(ii) the powers and duties of its officers and employees;

(iii) the procedure followed in the decision making process, including channels of supervision and accountability;

(iv) the norms set by it for the discharge of its functions;

(v) the rules, regulations, instructions, manuals and records, held by it or under its control or used by its employees for discharging its functions;

(vi) a statement of the categories of documents that are held by it or under its control;

(vii) the particulars of any arrangement that exists for consultation with, or representation by, the members of the public in relation to the formulation of its policy or implementation thereof;

(viii) a statement of the boards, councils, committees and other bodies consisting of two or more persons constituted as its part or for the purpose of its advice, and as to whether meetings of those boards; councils, committees and other bodies are open to the public, or the minutes of such meetings are accessible for public;

(ix) a directory of its officers and employees;

(x) the monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its regulations;

(xi) the budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditures and reports on disbursements made;



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(xii) the manner of execution of subsidy programmes, including the amounts allocated and the details of beneficiaries of such programmes;

(xiii) particulars of recipients of concessions, permits or authorisations granted by it;

(xiv) details in respect of the information, available to or held by it, reduced in an electronic form;

(xv) the particulars of facilities available to citizens for obtaining information, including the working hours of a library or reading room, if maintained for public use;

(xvi) the names, designations and other particulars of the Public Information Officers;

(xvii) such other information as may be prescribed;

and thereafter update these publications every year;

(c) publish all relevant facts while formulating important policies or announcing the decisions which affect public;

(d) provide reasons for its administrative or quasi-judicial decisions to affected persons.

(2) It shall be a constant endeavour of every public authority to take steps in accordance with the requirements of clause (b) of sub-section (1) to provide as much information suo motu to the public at regular intervals through various means of communications, including internet, so that the public have minimum resort to the use of this Act to obtain information.

(3) For the purposes of sub-section (1), every information shall be disseminated widely and in such form and manner which is easily accessible to the public.

(4) All materials shall be disseminated taking into consideration the cost effectiveness, local language and the most effective method of communication in that local area and the information should be easily accessible. to



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the extent possible in electronic format with the Central Public Information Officer or State Public Information Officer, as the case may be, available free or at such cost of the medium or the print cost price as may be prescribed.

Explanation.-For the purposes of sub-sections (3) and (4), "disseminated" means making known or communicated the information to the public through notice boards, newspapers, public announcements, media broadcasts, the internet or any other means, including inspection of offices of any public authority.

21. These provisions show that the RTI Act does not contemplate only a reactive system in which information is supplied after an application is made. It also places an obligation upon public authorities to maintain their records properly and to place information in the public domain to the extent required by the Act. The scheme is therefore both reactive and proactive.
22. At the same time, Section 6(2) makes it clear that an applicant cannot be required to state the reason for seeking information. The petitioner was, therefore, not required to establish any personal interest in the information sought or to explain the purpose for which it was required. The absence of such disclosure cannot, by itself, be a ground for rejection of an application. This, however, does not mean that a public authority is required to create information



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which does not exist or to undertake an unlimited exercise of analysis and reconstruction merely because an application has been made under the Act.

23. The right under the Act is a right of access to information held by or under the control of a public authority. The Act does not require an authority to create a fresh record or undertake an entirely new exercise of analysis which is not part of its existing records.
24. There is also a practical aspect which cannot be ignored. Where information relating to a large number of proceedings is contained in separate files, orders, registers or other records, compiling that information into a fresh statement may require considerable time and manpower. Section 7(9) recognises this aspect while dealing with the form in which information is to be supplied. Information is ordinarily to be supplied in the form in which it is sought unless doing so would disproportionately divert the resources of the public authority or would be detrimental to the safety or preservation of the record.



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25. Section 7(9) is reproduced hereunder for easy reference;

7.Disposal of request-

...(9) An information shall ordinarily be provided in the form in which it is sought unless it would disproportionately divert the resources of the public authority or would be detrimental to the safety or preservation of the record in question.

26. Section 7(9), however, cannot be treated as a general exemption from disclosure. It concerns the manner or form in which information is supplied and cannot be mechanically invoked to defeat the right to information.
27. The difficulty in the present case is that the information sought by the petitioner relates to the implementation of the RTI Act itself. The petitioner has sought information concerning action taken under Sections 20(1) and 20(2), including the Public Information Officers against whom penalty has been imposed, the amount of penalty imposed and recovered, and the disciplinary action recommended.
28. Section 20(1) provides for imposition of penalty upon the Public Information Officer in the circumstances specified therein. Section 20(2) provides for recommendation of disciplinary action in the



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circumstances specified in that provision. These provisions form part of the accountability mechanism under the Act.

29. Section 25 creates a separate statutory mechanism for monitoring and reporting the implementation of the Act. Under Section 25(1), the Central/State Information Commission is required to prepare an annual report on the implementation of the Act. Section 25(2) places a corresponding obligation upon every Ministry or Department, in relation to the public authorities within its jurisdiction, to collect and provide the information required for preparation of that report and to comply with the requirements relating to furnishing of information and keeping of records.
30. Section 25 is reproduced hereunder for easy reference;

25. Monitoring and reporting.—(1) *The Central Information Commission or State Information Commission, as the case may be, shall, as soon as practicable after the end of each year, prepare a report on the implementation of the provisions of this Act during that year and forward a copy thereof to the appropriate Government.*

(2) *Each Ministry or Department shall, in relation to the public authorities within their jurisdiction, collect and provide such information to the Central Information*



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Commission or State Information Commission, as the case may be, as is required to prepare the report under this section and comply with the requirements concerning the furnishing of that information and keeping of records for the purposes of this section.

(3) Each report shall state in respect of the year to which the report relates,—

(a) the number of requests made to each public authority;

(b) the number of decisions where applicants were not entitled to access to the documents pursuant to the requests, the provisions of this Act under which these decisions were made and the number of times such provisions were invoked;

(c) the number of appeals referred to the Central Information Commission or State Information Commission, as the case may be, for review, the nature of the appeals and the outcome of the appeals;

(d) particulars of any disciplinary action taken against any officer in respect of the administration of this Act;

(e) the amount of charges collected by each public authority under this Act;

(f) any facts which indicate an effort by the public authorities to administer and implement the spirit and intention of this Act;

(g) recommendations for reform, including recommendations in respect of the particular public authorities, for the development, improvement, modernisation, reform or amendment to this Act or other legislation or common law or any other matter relevant for operationalising the right to access information.

(4) The Central Government or the State Government, as the case may be, may, as soon as practicable after the end of each year, cause a copy of the report of the Central Information Commission or the State Information Commission, as the case may be, referred to in sub-



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section (1) to be laid before each House of Parliament or, as the case may be, before each House of the State Legislature, where there are two Houses, and where there is one House of the State Legislature before that House.

(5) If it appears to the Central Information Commission or State Information Commission, as the case may be, that the practice of a public authority in relation to the exercise of its functions under this Act does not conform with the provisions or spirit of this Act, it may give to the authority a recommendation specifying the steps which ought in its opinion to be taken for promoting such conformity.

31. Section 25(3) specifies the matters which the annual report is required to contain. These include the number of requests received, the number of decisions denying access and the provisions invoked, the number and nature of appeals and their outcome, particulars of disciplinary action taken against officers in relation to administration of the Act, charges collected, efforts made to administer and implement the spirit and intention of the Act and recommendations for reform.
32. Thus, the Act itself recognises that information concerning the functioning of the RTI mechanism must be collected, maintained and reported.
33. Section 25(5) is of particular significance. Where the Central/State Information Commission finds that the practice of a public authority does not conform to the provisions or spirit of the Act, it may make



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recommendations specifying the steps which, in its opinion, ought to be taken to secure such conformity. The answer to deficiencies in record maintenance and dissemination of information is not merely to deal with individual RTI applications as and when they are received. The statutory scheme requires public authorities to maintain information properly and to make as much information as possible available suo motu, thereby reducing the need for repeated applications.

34. In the present case, therefore, the respondents are correct only to the limited extent that the information sought by the petitioner was not maintained in the precise consolidated form in which it was requested. That circumstance, however, cannot by itself bring the matter to an end, particularly when the information concerns the implementation of the RTI Act and is capable of being maintained in a systematic form. The appropriate response is not to require the same information to be reconstructed from individual files every time a citizen seeks it. The better course is to ensure that the information is maintained in a manner which permits its ready retrieval and, where appropriate, its proactive disclosure.



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35. There is a further practical consideration. If every application seeking information regarding penalties, disciplinary recommendations, appeals and other RTI-related proceedings requires officers to physically examine individual files and prepare a fresh statement, substantial administrative time would be spent in collecting information which can reasonably be maintained in a systematic manner.
36. This concern is particularly relevant to the Karnataka Information Commission. The Court has been informed that a very large number of appeals and complaints are pending before the Commission. In another proceeding, it was brought to the notice of the Court that six applicants were responsible for nearly 22,000 appeals out of approximately 45,000 appeals pending before the Commission.
37. This Court does not, in the present proceedings, express any opinion on the validity of those appeals. The figures, however, demonstrate the scale of the administrative burden before the Commission. In such circumstances, requiring the officers and staff of the Commission to repeatedly undertake manual searches of individual files for information which can



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be systematically maintained would inevitably divert resources from its primary statutory functions.

38. The problem, therefore, is not confined to the burden arising from the petitioner's application. If information concerning the administration and enforcement of the RTI Act is repeatedly sought through individual applications and has to be reconstructed each time, it indicates a deficiency in the system of record maintenance and proactive disclosure. The RTI mechanism should not operate in a manner in which the authorities responsible for administering the right are themselves required to spend substantial time reconstructing information which can reasonably be maintained and disclosed in an organised form.
39. The solution lies in proper record management, standardised data collection and proactive disclosure. Such a system would serve both sides of the statutory scheme. Citizens would have easier access to information concerning implementation of the Act, while public authorities and the Information Commission would not be required to undertake the same exercise repeatedly. This would also improve the quality of the information collected for the annual



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report under Section 25 and enable the Commission to better discharge its monitoring function.

40. The information sought by the petitioner concerning proceedings under Sections 20(1) and 20(2) is particularly capable of being maintained in such a manner. The number of penalty proceedings, the number of penalties imposed, the amount imposed and recovered, and the number and status of recommendations for disciplinary action are all matters which can be recorded year-wise in a standard format. The names and designations of the concerned Public Information Officers may also be recorded, subject always to the provisions of the Act governing disclosure.
41. It is not necessary to hold that Section 25, by itself, expressly requires every item of information relating to proceedings under Sections 20(1) and 20(2) to be placed on the website. Section 25 primarily creates a mechanism for collection, monitoring and reporting. The requirement of proactive dissemination flows more broadly from Section 4, particularly Sections 4(1)(b), 4(2), 4(3) and 4(4), read with the monitoring and reporting mechanism under Section 25. Section 19(8)(a)(iii) also empowers the



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Information Commission, in an appropriate case, to require a public authority to publish information or categories of information specified in Section 4(1)(b).

42. Section 19(8)(a)(iii) is reproduced hereunder for easy reference;

19. Appeal—

...(8) In its decision, the Central Information Commission or State Information Commission, as the case may be, has the power to—

(a) require the public authority to take any such steps as may be necessary to secure compliance with the provisions of this Act, including—

...(iii) by publishing certain information or categories of information;

43. The Court is, therefore, not creating a new substantive right or imposing an obligation contrary to the Act. The directions which follow are intended to give practical effect to the existing statutory obligations relating to maintenance of records, collection of information, monitoring, reporting and proactive disclosure. The object is to ensure that information relating to the implementation of the RTI Act is maintained at its source, collected in a uniform manner, furnished to the Karnataka Information Commission and, to the extent permissible in law, made readily available to the public. This approach



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also preserves the distinction between the right of an applicant and the obligations of a public authority. Section 6(2) does not require an applicant to justify his request. Nothing in these directions shall be understood as imposing such a requirement.

44. At the same time, the absence of such a requirement does not relieve a public authority of its independent duty under Sections 4 and 25 to maintain records in a manner which facilitates access to information and to make information available suo motu wherever the statutory scheme so requires.

General Directions

45. In the above circumstances, the following directions are issued:
- a. The Karnataka Information Commission shall, within eight weeks from the date of receipt of a copy of this order, prescribe a uniform format for the collection, maintenance and disclosure of information relating to the implementation of the RTI Act by public authorities in the State.



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- b. The format shall, as far as applicable, provide for year-wise information under the following heads:
- i. number of RTI applications received;
 - ii. number of applications disposed of and pending;
 - iii. number of applications rejected and the provisions of the Act relied upon for such rejection, categories under each such provision;
 - iv. number of first appeals received and disposed of, with nature of disposal;
 - v. number of second appeals and complaints received by the Karnataka Information Commission and their disposal with nature of disposal;
 - vi. number of proceedings initiated under Section 20(1);
 - vii. number of cases in which penalty was imposed under Section 20(1);



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- viii. name and designation of the Public Information Officer against whom penalty was imposed, subject to the provisions of the Act;
- ix. amount of penalty imposed and amount recovered;
- x. number of recommendations made under Section 20(2);
- xi. status of such recommendations, to the extent the information is available and is legally disclosable;
- xii. amount of charges collected under the Act;
- xiii. particulars relating to compliance with the proactive disclosure requirements under Section 4; and
- xiv. such other information as may be necessary for effective monitoring of implementation of the Act and preparation of the annual report under Section 25.



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- c. The format prescribed by the Karnataka Information Commission shall, as far as practicable, be uniform across Departments and public authorities. The purpose of prescribing a uniform format is to ensure that information is recorded consistently and can be readily compiled, verified, retrieved and compared.
- d. Every Department of the State Government shall identify the public authorities under its administrative control or jurisdiction and shall ensure that the information required for the purposes of Section 25 is collected from such public authorities in the prescribed format.
- e. Every public authority shall designate an officer responsible for ensuring that the information required to be maintained under these directions is kept up to date and is furnished to the concerned Department and the Karnataka Information Commission within the time stipulated by the Commission.
- f. The information shall, as far as practicable, be maintained in electronic form. The system should permit searching, sorting and retrieval without requiring physical examination of



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individual files each time the information is sought.

- g. The Karnataka Information Commission shall maintain on its official website a clearly identifiable section relating to RTI Implementation and Compliance. Information relating to the functioning of the Commission, including information concerning appeals, complaints, penalties and recommendations under the Act, shall be placed there in the prescribed format, subject to the provisions of the Act.
- h. Every Department and public authority shall similarly maintain a clearly identifiable section on its official website for RTI – Proactive Disclosure / RTI Implementation, or such uniform heading as may be prescribed by the Karnataka Information Commission. The information required to be disclosed under Section 4 and such additional information as may be prescribed under the uniform format shall be placed in that section.
- i. The requirement of publication on the website shall be understood as an implementation of



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the obligations arising from Section 4, particularly Sections 4(1)(b), 4(2), 4(3) and 4(4), read with the monitoring and reporting mechanism under Section 25. It shall not be construed as a finding that Section 25, by itself, expressly requires publication of every item referred to in that provision.

- j. The information shall be updated at least once every year in accordance with Section 4(1)(b). The Karnataka Information Commission may require more frequent updating where the nature or volume of the information makes such updating necessary.
- k. As far as practicable, the information shall be made available in a searchable and machine-readable form. The purpose is to enable citizens to access and use the information without requiring repeated manual compilation by public authorities.
- l. The Karnataka Information Commission shall, as far as practicable, establish on its website a central electronic repository or index through which a citizen can locate the relevant RTI disclosures of different Departments and public



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authorities without having to search each website separately.

- m. The Karnataka Information Commission shall monitor compliance with these directions and with the requirements of Section 4. Where it finds that the practice of a public authority does not conform to the provisions or spirit of the Act, it shall consider taking appropriate steps, including making recommendations under Section 25(5).
- n. The State Government shall issue appropriate instructions to all Departments and public authorities to facilitate implementation of these directions and to ensure timely collection and furnishing of the information required under Section 25(2).
- o. The Karnataka Information Commission shall indicate in its annual report under Section 25 the extent to which Departments and public authorities have complied with the requirements relating to maintenance, collection and proactive disclosure of information, and the steps taken in cases of non-compliance.



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46. This direction shall not, however, require the creation of information which does not exist or the preparation of an entirely new analysis by reconstructing information from individual records.
47. Nothing contained in these directions shall require disclosure of information which is exempt under Sections 8 or 9 of the Act. Where a record contains both exempt and non-exempt information, the concerned authority shall apply Section 10 and disclose the remaining information wherever permissible.
48. It is made clear that these directions do not require an applicant to disclose the reason for seeking information or to establish any personal interest in the information sought. Section 6(2) of the Act continues to operate in its full effect.
49. Nor do these directions create a new exemption from disclosure. They are intended to ensure that information which is required to be maintained and which can appropriately be disclosed suo motu is maintained in an accessible form.
50. The distinction is important. The burden of administering the RTI Act should not be increased by



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requiring public authorities repeatedly to reconstruct the same information from scattered records. At the same time, the burden cannot simply be shifted to the citizen by stating that the information is not maintained. The statutory scheme requires public authorities to maintain their records in a manner which facilitates access to information and to make information available proactively wherever the Act so requires.

51. The directions issued herein are intended to address both concerns. They preserve the right of citizens to seek information under the Act while requiring the administrative system to maintain the information necessary for transparency, accountability and effective monitoring of the implementation of the Act.
52. The directions are also intended to enable the Karnataka Information Commission to discharge more effectively its statutory functions under Sections 4 and 25 and to reduce the need for repeated applications seeking information which can reasonably be maintained and disclosed in the public domain.



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53. In the above circumstances, this Court passes the following

ORDER

- (i) The Writ Petition is allowed in Part
- (ii) The orders passed by the Public Information Officer, the First Appellate Authority and the Karnataka Information Commission, insofar as they reject the petitioner's request merely on the ground that the information sought is not maintained in a consolidated form, are set aside.
- (iii) As regards the information specifically sought by the petitioner, the Karnataka Information Commission shall examine the information presently available in its records, including its annual reports and other records maintained in relation to Sections 20 and 25, and furnish the information to the petitioner, subject to the provisions of the Act, within eight weeks from the date of receipt of a copy of this order.
- (iv) Where any part of the information sought by the petitioner is held by a Department or public authority and is required to be collected for the



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purposes of Section 25, the Karnataka Information Commission may obtain the same from the concerned Department or public authority in accordance with Section 25(2) and furnish the same to the petitioner within 60 days from now.

- (v) Though the above petition is disposed of, relist on 6th December for reporting compliance with the above general directions.

This Court has been assisted by Mr. Sourav, Law Clerk, in reviewing this Judgment.



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(SURAJ GOVINDARAJ)
JUDGE

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