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| 16. | <u>Annexure P-6</u> A true copy of the article dt. 06.12.2017 in Times of India titled "Chandigarh launches online portal for RTI". | | | |
| 17. | <u>Annexure P-7</u> A true copy of the press release dt. 19.12.2018 of the Public Information Bureau, Government of India. | | | |
| 18. | <u>Annexure P-8</u> A true copy of the news article dt. 16.03.2019 in the Times of India titled "Enable online filing of RTI pleas: Tamil Nadu State Information Commission" | | | |
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IN THE HIGH COURT OF DELHI AT NEW DELHI

CIVIL ORIGINAL JURISDICTION

CIVIL WRIT PETITION NO. OF 2019

(PUBLIC INTEREST LITIGATION)

IN THE MATTER OF:

Pravasi Legal Cell & Ors

.... Petitioners

Versus

Union of India & Ors.

.... Respondents

OFFICE REPORT ON LIMITATION

1. The Petition is/are within time.
2. The Petition is barred by time and there is delay of ____ days in filing the same against order dated _____ and Petition for condonation of _____ days delay has been filed.
3. There is delay of 48 days in refilling the Petition and Petition for condonation of 48 days in refilling has been filed.

BRANCH OFFICER

New Delhi.

Dated: 23/07/2019

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
(PUBLIC INTEREST LITIGATION PETITION)
CIVIL WRIT PETITION No. OF 2019

IN THE MATTER OF:

Pravasi Legal Cell

..... Petitioner

Versus

Union of India & Ors.

.... Respondents

WITH

I.A. No. of 2019 : Application for Condonation of Delay in Re – filing

PAPER BOOK

(FOR INDEX KINDLY SEE INSIDE)

(ADVOCATE FOR THE PETITIONERS: MR. JOSE ABRAHAM)

RECORD OF PROCEEDINGS

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PROFORMA FOR FIRST LISTING

SECTION PIL

The case pertains to (Please tick/check the correct box):

- Central Act: (Title) : CONSTITUTION OF INDIA
- Section : Article 19, 21
- Central Rule (Title) : NA
- Rule No.(s) : NA
- State Act: (Title) : NA
- Section : NA
- State Rule (Title) : NA
- Rule No.(s) : NA
- Impugned Order (Date:) : NA
- High Court (Name) : NA
- Names of Judges : NA
- Tribunal/Authority (Name) : NA

1. **Nature of matter:** Civil Criminal
2. (a) Petitioner/appellant No.1 : Pravasi Legal Cell
 (b) E-mail ID :N.A.
 (c) Mobile phone Number :N.A.
3. (a) Respondent No.1 : Union of India
 (b) e-mail ID : not known
 (c) Mobile phone number : not known
4. (a) Main category classification : 08 Letter petition & PIL Matters

- (b) Sub Classification :0812 Others
5. Not to be listed before : NA
6. Similar/Pending matter :
 (a) Similar disposed of matter with citation, if any & case details : No Similar Disposed Matter
 : No similar matter pending
 (b) Similar pending matter with case details
7. **Criminal Matters:**
 (a) Whether accused/convict has surrendered : Yes No
 (b) FIR No. : NA
 (c) Police Station : NA
 (d) Sentence Awarded :NA
 (e) Sentence Undergone :NA
8. **Land Acquisition Matters:**
 (a) Date of Section 4 notification : NA
 (b) Date of Section 6 notification : NA
 (c) Date of Section 17 notification : NA
9. **Tax Matters:** State the tax effect : NA
10. Special Category (first petitioner/appellant only) : NA
 Senior citizen > 65 years SC/ST Woman/child Disabled
 Legal Aid case In custody
11. Vehicle Number (in case of Motor Accident Claim matters) : NA

Place: New Delhi
 Date: 14/05/2019

(Jose Abraham)
 Advocate On Record
 Registration No. 2066
 Email: advocatejose@gmail.com.
 Ph: 9891417346

SYNOPSIS AND LIST OF DATES

The present Writ Petition in the nature of Public Interest Litigation under Article 32 of the Constitution is filed for direction to all the State to establish online Right to Information (RTI) portal for their respective States to enable the citizens to file online applications for information from any Departments of the State Governments under the Right to Information Act, 2005.

It is humbly submitted that the Central Government has established an online RTI portal whereby any Indian Citizen including Non-Residential Indians (NRIs) can apply for information under the RTI Act with the desired Ministry or Department under Central Government. An Applicant can also pay the requisite fee through Online Payment in this portal and submit the RTI application. After establishing the same, the Central Government also requested the State Governments vide letter dated 3rd December, 2013 to explore the feasibility of implementing online RTI in their respective States. Central Government also requested the National Informatics Centre (NIC) to provide technical support, such as software, and source code to the State Governments which desire to replicate the web portal for online filing of RTI applications at state level. However, only the States of Maharashtra and Delhi have established their respective online portals for obtaining information from the Departments of their respective Governments.

A person seeking information under the Right to Information (RTI) Act from any Department of the State Government, at present has to make a physical application and cannot do so through any electronic means. Also,

the applicant will have to obtain a postal order by visiting the post office and paying the requisite fee for such an application. Then the applicant is supposed to send the physical application to the concerned department. It is also difficult for Non-Resident Indians (NRI) who is desirous of obtaining information from any Department of the State Governments at present since they have to undergo physical application process. Whereas, the provision of an online web portal will only help the Indian citizens including the Non-Resident Indians by speedy dissemination of information requested which in turn would only help in achieving the aim of the RTI laws of bringing transparency in administration.

The Right to Information Act is a powerful tool in the hands of Indian citizens and the true objective of the legislation can be achieved only by timely response to citizens' request for government information which can only be achieved by making the entire application as well as appeal process online.

One of the most effective provision in the RTI Act is section 7(1) which states that “information sought for concerns the life or liberty of a person, the same shall be provided within 48 hours of the receipt of the request” ” is not effective under the existing system and it severely affects the life and liberty of citizens. This provision can be more useful with the creation on online RTI portals at the State level.

The petitioner herein is an NGO, working to empower the migrant people including Non Resident Indians (NRIs) on the legal front. The petitioner generally advice people who seek legal assistance from it to get the relevant information under RTI Act. Which in turn many at times mere filing of an RTI application have brought justice. So the petitioner herein

has a first-hand knowledge about the working of the RTI Act and reasonably feels that the absence of online portals at state level for dispensation of information under RTI Act makes the migrants and the Indian emigrants on a very disadvantageous position hence approached the competent authority for redressal but no effective action till date.

It is also brought to the kind notice of this Hon'ble Court, that there are Writ Petitions seeking similar prayer pending before the Hon'ble High Court of Kerala and Hon'ble High Court of Gujarat in which the notices have been issued to the respective Governments. The present petition before this Hon'ble Court is thus preferred for a direction to all the State Governments to provide the online RTI portal facility to the citizens so that they can obtain the information from each public authority through electronic mode.

LIST OF DATES AND EVENTS

- | | |
|------------|--|
| 12.10.2005 | The Right to Information Act, 2005 came into force. Which provides a legal framework for the implementation of citizen's fundamental right to information. |
| 22.04.2013 | Department of Personnel & Training, Ministry of Personnel, Public Grievances & Pensions, Government of India launched a web portal namely RTI Online with url https://rtionline.gov.in to facilitate the Indian Citizens to file RTI applications and first appeals online and also to make online payment of RTI fees. |
| 30.07.2013 | RTI Web portal facility was extended to 37 Ministries/Department of the Central Government. |

- 12.08.2013 RTI Web Portal facility was extended to all the Ministries/Departments of the Central Government.
- 03.12.2013 Department of Personnel & Training, Ministry of Personnel, Public Grievances & Pensions, Government of India requested all the State Governments vide letter dated 3rd December, 2013 to explore the feasibility of implementing online RTI in their respective States. It also requested the National Informatics Centre (NIC) to provide technical support, such as software, and source code to the State Governments which desire to replicate the web portal for online filing of RTI applications at state level.
- 02.01.2015 The State of Maharashtra launched the RTI web portal, thus enabling filing of RTI applications with all the Department of the State Government online.
- 10.07.2017 National Capital Territory of Delhi became the second state to launch e-RTI portal that will enable citizens to file online Right to Information (RTI)
- 06.12.2017 The Union Territory of Chandigarh enabled filing of RTI application online.
- 24.04.2019 A news Article in the News Minute regarding *“What will it take for state-wise online RTI portals to become reality?”*.
- 16.03.2019 A news article in The Times of India titled *“Enable online filing of RTI pleas: Tamil Nadu State Information Commission”*
- 10.04.2019 A Writ Petition was filed before the Hon’ble High Court of Kerala seeking a direction to the State Government to start

online RTI portal thus enabling filing of RTI applications online.

- 10.05.2019 The Hon'ble High Court of Gujarat issued notice to the State Government and the state information commission in response to a PIL seeking the facility for citizens to file online applications for information under the RTI Act.
- 14.05.2019 The present Writ Petition is filed.

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

(PUBLIC INTEREST LITIGATION PETITION)

CIVIL WRIT PETITION No. OF 2019

(UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA)

I. BETWEEN:

1.

....Petitioner No. 1

Versus

1. Union of India

Through its Secretary,

- Department of Personnel and Training,
Ministry of Ministry of Personnel,
Public Grievances and Pensions
North Block,
New Delhi- 110001 Respondent No. 1
2. State of Uttar Pradesh,
Through its Chief Secretary,
1st Floor, Room No. 110,
Lalbahadur Sastri
Bhawan, Uttar Pradesh Secretariat,
Lucknow, Uttar Pradesh –226001Respondent No. 2
3. State of Uttarakhand
Through its Principal Secretary
4, Subhash Road,
Uttarakhand Secretariat
Dehradun, Uttarakhand - 248001 Respondent No. 3
4. State of Haryana,
Through its Chief Secretary,
Room No. 4, 4th Floor,
Haryana Civil Secretariat, Sector-1
Chandigarh -160019. Respondent No. 4
5. State of Punjab,
Through its Chief Secretary,
Room No 28, 6th Floor,
Punjab Civil Secretariat,
Chandigarh- 160019 Respondent No. 5

6. State of Himachal Pradesh
Through its Chief Secretary,
H P Secretariat, Shimla,
Himachal Pradesh - 171002 Respondent No. 6
7. State of Bihar
Through its Chief Secretary
Main Secretariat,
Patna, Bihar – 800015Respondent No. 7
8. State of West Bengal
Through its Chief Secretary
Nabanna, 13th Floor,
325, Sarat Chatterjee Road,
Mandirtala Shibpur, Howrah,
West Bengal – 711102 Respondent No. 8
9. State of Karnataka
Through its Chief Secretary
Room No.321, Vidhana Soudha,
Bengaluru, Karnataka – 560001. Respondent No. 9
10. State of Andhra Pradesh
Through its Chief Secretary
1st Floor, A.P. Secretariat,
Velagapudi, Guntur,
Andhra Pradesh – 522503. Respondent No. 10
11. State of Telangana
Through its Chief Secretary
Block C, 3rd Floor,

- Telangana Secretariat
Khairatabad, Hyderabad,
Telangana – 500022. Respondent No. 11
12. State of Tamil Nadu
Through its Chief Secretary
Secretariat, Chennai
Tamil Nadu – 600009. Respondent No. 12
13. State of Madhya Pradesh
Through its Chief Secretary
MP Mantralaya,
Vallabh Bhavan, Bhopal,
Madhya Pradesh – 462004 Respondent No. 13
14. State of Kerala
Through its Chief Secretary
Secretariat, Thiruvananthapuram
Kerala – 695001. Respondent No. 14
15. State of Gujarat
Through its Chief Secretary
1st Block, 5th Floor
Sachivalaya, Gandhinagar,
Gujarat – 382010 Respondent No. 15
16. State of Chhattisgarh
Through its Chief Secretary
Mahanadi Bhawan,
Mantralaya, Naya Raipur,
Chhattisgarh – 492002 Respondent No. 16

17. State of Goa
Through its Chief Secretary
Secretariat, Porvrom,
Bardez, Goa – 403521 Respondent No. 17
18. State of Arunachal Pradesh
Through its Chief Secretary
Civil Secretariat, Itanagar,
Arunachal Pradesh – 791111 Respondent No. 18
19. State of Assam
Through its Chief Secretary
Block- C, 3rd Floor,
Assam Sachivalaya, Dispur,
Assam – 781006 Respondent No. 19
20. State of Manipur
Through its Chief Secretary
South Block, Old Secretariat
Imphal, Manipur -795001 Respondent No. 20
21. State of Meghalaya
Through its Chief Secretary
Main Secretariat Building
Rilang Building, Room No. 321
Meghalaya Secretariat, Shillong,
Meghalaya – 793001 Respondent No. 21
22. State of Mizoram
Through its Chief Secretary
New Secretariat Complex,

- Aizwal, Mizoram – 796001 Respondent No. 22
23. State of Nagaland
Civil Secretariat,
Kohima, Nagaland - 797004 Respondent No. 23
24. State of Tripura
Civil Secretariat,
Agartala, Tripura- 799001 Respondent No. 24
25. State of Jharkhand
Through its Chief Secretary
Secretariat, Ranchi,
Jharkhand - 834001 Respondent No. 25
26. State of Maharashtra
Through its Chief Secretary
Mantralaya, Mumbai,
Maharashtra -400032 Respondent No. 26

To

The Hon'ble Chief Justice of India

And his Companion Justices of the

Hon'ble Supreme Court of India.

The humble Petition of the Petitioners,
above named

MOST RESPECTFULLY SHOWETH:

1. This Petition in the nature of Public Interest Litigation under Article 32 of the Constitution is filed for direction to all the State to establish online Right to Information (RTI) portal for their respective States to

enable the citizens to file online applications for information from any Departments of the State Governments under the Right to Information Act, 2005. The Right to Information Act is a powerful tool in the hands of Indian citizens and the true objective of the legislation can be achieved only by timely response to citizens' request for government information which can only be achieved by making the entire application as well as appeal process online.

2. Petitioner is an NGO, working to empower the migrant people including Non Resident Indians (NRIs) on the legal front who are poor and destitute migrants. The Petitioner No. 1 has filed no. of such public interest litigations for the welfare of the internal migrants as well as the Indian migrants living abroad. The Petitioner received no. of representations from Non-Resident Indians (NRIs) as to the difficulty faced by them in obtaining information available with the State Governments and their respective Departments under Right to Information Act, 2005 as the application had to be sent physically which causes huge delay in reaching the concerned authority and vis versa. A true copy of the Registration Certificate dated 11.08.2011 of the Petitioner Society is marked as **ANNEXURE P-1** and annexed herewith at Page no.
3. It is humbly submitted that the Central Government has established an online RTI portal whereby any Indian Citizen including Non-Residential Indians (NRIs) can apply for information under the RTI Act with the desired Ministry or Department under Central Government. An Applicant can also pay the requisite fee through Online Payment in this portal and submit the RTI application. After establishing the same, the Central Government also requested the

State Governments vide letter dated 3rd December, 2013 to explore the feasibility of implementing online RTI in their respective States. Central Government also requested the National Informatics Centre (NIC) to provide technical support, such as software, and source code to the State Governments which desire to replicate the web portal for online filing of RTI applications at state level. However, only the States of Maharashtra and Delhi have established their respective online portals for obtaining information from the Departments of their respective Governments. A true copy of the Office Memorandum dt. 22.04.2013 of the Department of Personnel & Training, Ministry of Personnel, Public Grievances & Pensions, Government of India is marked as **ANNEXURE P-2** and annexed herewith at Page Nos. . A true copy of the Office Memorandum dt. 30.07.2013 of the Department of Personnel & Training, Ministry of Personnel, Public Grievances & Pensions, Government of India is marked as **ANNEXURE P-3** and annexed herewith at Page Nos. . A true copy of the Office Memorandum dt. 12.08.2013 of the Department of Personnel & Training, Ministry of Personnel, Public Grievances & Pensions, Government of India is marked as **ANNEXURE P-4** and annexed herewith at Page Nos.

4. A person seeking information under the Right to Information (RTI) Act from any Department of the State Government, at present has to make a physical application and cannot do so through any electronic means. Also, the applicant will have to obtain a postal order by visiting the post office and paying the requisite fee for such an application. Then the applicant is supposed to send the physical

application to the concerned department. It is also difficult for Non-Resident Indians (NRI) who is desirous of obtaining information from any Department of the State Governments at present since they have to undergo physical application process. Whereas, the provision of an online web portal will only help the Indian citizens including the Non-Resident Indians by speedy dissemination of information requested which in turn would only help in achieving the aim of the RTI laws of bringing transparency in administration.. A true copy of the article dt. 10.07.2017 in Hindustan times titled “*CM Arvind Kejriwal launches e-RTI, Delhi becomes 2nd state to accept online applications*” is marked as **ANNEXURE P-5** and annexed herewith at Page Nos. . A true copy of the article dt. 06.12.2017 in Times of India titled “*Chandigarh launches online portal for RTI*” is marked as **ANNEXURE P-6** and annexed herewith at Page Nos. . A true copy of the press release dt. 19.12.2018 of the Public Information Bureau, Government of India is marked as **ANNEXURE P-7** and annexed herewith at Page Nos. . A true copy of the news article dt. 16.03.2019 in the Times of India titled “*Enable online filing of RTI pleas: Tamil Nadu State Information Commission*” is marked as **ANNEXURE P-8** and annexed herewith at Page Nos. .

5. The Petitioner herein approached the Department of Personnel and Training, Ministry of Personal, Public Grievences and Pensions, Union of India in this regard with a representation dt. 29.03.2019. However, no response to the same have been received as yet. A true copy of the Representation dt. 29.03.2019 is marked as **ANNEXURE P-9** at Page No. _____ to _____. A true copy of the Abstract of Resolution dt. 10.05.2019 is marked and annexed herewith as **ANNEXURE P-10** at

Page No. . A true copy of the ID Proof of the Petitioner No. 1 is marked as **ANNEXURE P-11** and annexed herewith at Page No.

6. This petition is preferred for a direction to all the State Governments to provide the online RTI portal facility to the citizens so that they can obtain the information from each public authority through electronic mode.
7. The Respondent no. 1 is the Union of India, represented by its Secretary, Department of Personnel and Training, Ministry of Ministry of Personnel, Public Grievances and Pensions which is the appropriate ministry dealing with proper implementation of the Right to Information Act, 2005.
8. The Respondent no. 2 to Respondent No. 20 are the various State Governments, represented by their respective Chief Secretaries, the appropriate authority responsible for implementation of Right to Information Act, 2005 at the State level.
9. The Petitioner has approached this Hon'ble Court in this Public Interest Litigation to address the problem faced by the citizens in obtaining information under Right to Information (RTI) Act due to slow and conventional method of application process. A person seeking information under the Right to Information (RTI) Act from any Department of the State Government, at present has to make a physical application and cannot do so through any electronic means. Also, the applicant will have to obtain a postal order by visiting the post office and paying the requisite fee for such an application. Then the applicant is supposed to send the physical application to the concerned department. It is also difficult for Non-Resident Indians (NRI) who is desirous of obtaining information from any Department

of the State Governments at present since they have to undergo physical application process. Whereas, the provision of an online web portal will only help the Indian citizens including the Non-Resident Indians by speedy dissemination of information requested which in turn would only help in achieving the aim of the RTI laws of bringing transparency in administration. There is no civil, criminal or revenue litigation involving Petitioner which is or could have any legal nexus with the issues involved in the public interest litigation.

10. The nature of injury caused or likely cause to the public is that if there is no online portals for seeking information under the Right to Information Act, the very purpose of the RTI Act which is a powerful tool in the hands of Indian citizens with the objective of timely response to citizens' request for government information would be defeated.

11. The Petitioner herein has no personal interest in the matter as the petition has been solely filed in public interest category.

12. The Petitioners herein have no personal interest in the matter as the petition has been solely filed in Public interest whereas the Petitioner No. 1 is an NGO working to empower poor and destitute migrants in legal front. There is no civil, criminal or revenue litigation involving the petitioners which would or could have legal nexus with the issues involved in the public interest litigation.

RIGHT TO INFORMATION - A FUNDAMENTAL RIGHT:

13. In successive judgments, this Hon'ble Court has held that the Right to Information is a fundamental right and flows from article 19(1)(a) (the fundamental constitutional right to free speech), and article 21 (right to life and liberty) of the Constitution of India. The Courts of

the country have declared in a plethora of cases that transparency is key for the functioning of a healthy democracy. In the matter of *State of UP v. Raj Narain*, AIR 1975 SC 865, a constitution bench of this Hon'ble Court held that:

“[I]n a government of responsibility like ours, where all the agents of the public must be responsible for their conduct, there can be but few secrets. The people of this country have a right to know every public act, everything that is done in a public way, by their functionaries...The right to know, which is derived from the concept of freedom of speech, though not absolute, is a factor which should make one wary, when secrecy is claimed for transactions which can, at any rate, have no repercussion on public security. To cover with veil of secrecy, the common routine business is not in the interest of public.” (Para 74)

14. In the case of *S.P. Gupta v. President of India and Ors*, AIR 1982 SC 149, a 7 Judge Bench of this Hon'ble Court made the following observations regarding the Right to Information:

“The concept of an open government is the direct emanation from the right to know which seems to be implicit in the right of free speech and expression guaranteed under Article 19(1)(a). Therefore, disclosure of information in regard to the functioning of Government must be the rule and secrecy an exception justified only where the strictest requirement of public interest so demands. The approach of the court must be to attenuate the area of secrecy as much as possible consistently with the requirement of public interest, bearing in mind

all the time that disclosure also serves an important aspect of public interest...”

15. In the case of *Reliance Petrochemicals Ltd vs Proprietors of Indian Express* 1989 AIR 190, this Hon’ble court observed:

“34...We must remember that the people at large have a right to know in order to be able to take part in a participatory development in the industrial life and democracy. Right to know is a basic right which citizen of a free country aspire in the broader horizon of the right to live in this age in our land under Article 21 of our Constitution. That right has reached new dimensions and urgency. That right puts greater responsibility upon those who take upon themselves the sresponsibility to inform.”

16. In the case of the *Union of India v. Association for Democratic Reforms*, AIR 2002 SC 2002, while declaring that it is part of the fundamental right of citizens, under Article 19(1)(a) to know the assets and liabilities of candidates contesting election to Parliament or the State Legislatures, this Hon’ble Court, held unequivocally that:

“The right to get information in a democracy is recognised all throughout and is a natural right flowing from the concept of democracy.” (Para 56)

17. In *Reserve Bank of India Versus Jayantilal N. Mistry Transferred Case (Civil) No. 91 Of 2015*, this Hon’ble Court while upholding peoples’ right to access information, made the following observations regarding the Right to Information:

“Because an informed citizen has the capacity to reasoned action and also to evaluate the actions of the legislature and executives, which is very important in a participative democracy and this will serve the nation's interest better which as stated above also includes its economic interests. Recognizing the significance of this tool it has not only been made one of the fundamental rights Under Article 19 of the Constitution but also a Central Act has been brought into effect on 12th October 2005 as the Right to Information Act, 2005.”

...“The ideal of 'Government by the people' makes it necessary that people have access to information on matters of public concern. The free flow of information about affairs of Government paves way for debate in public policy and fosters accountability in Government. It creates a condition for 'open governance' which is a foundation of democracy.”

18. The Right to Information Act, 2005 (henceforth referred to as ‘RTI Act’) provides a practical regime for people to exercise their fundamental right to information and to access information from public authorities. The preamble of the RTI Act states:

“...democracy requires an informed citizenry and transparency of information which are vital to its functioning and also to contain corruption and to hold Governments and their instrumentalities accountable to the governed”

ONLINE RTI PORTAL AND DISPENSING INFORMATION EFFECTIVELY.

19. It is humbly submitted that the Central Government has established an online RTI portal whereby any Indian Citizen including Non-

Residential Indians (NRIs) can apply for information under the RTI Act with the desired Ministry or Department under Central Government. An Applicant can also pay the requisite fee through Online Payment in this portal and submit the RTI application. After establishing the same, the Central Government also requested the State Governments vide letter dated 3rd December, 2013 to explore the feasibility of implementing online RTI in their respective States. Central Government also requested the National Informatics Centre (NIC) to provide technical support, such as software, and source code to the State Governments which desire to replicate the web portal for online filing of RTI applications at state level. However, only the States of Maharashtra and Delhi have established their respective online portals for obtaining information from the Departments of their respective Governments.

20. A person seeking information under the Right to Information (RTI) Act from any Department of the State Government, at present has to make a physical application and cannot do so through any electronic means. Also, the applicant will have to obtain a postal order by visiting the post office and paying the requisite fee for such an application. Then the applicant is supposed to send the physical application to the concerned department. It is also difficult for Non-Resident Indians (NRI) who is desirous of obtaining information from any Department of the State Governments at present since they have to undergo physical application process. Whereas, the provision of an online web portal will only help the Indian citizens including the Non-Resident Indians by speedy dissemination of information

requested which in turn would only help in achieving the aim of the RTI laws of bringing transparency in administration.

21. The Right to Information Act is a powerful tool in the hands of Indian citizens and the true objective of the legislation can be achieved only by timely response to citizens' request for government information which can only be achieved by making the entire application as well as appeal process online.
22. It is also brought to the kind notice of this Hon'ble Court, that there are Writ Petitions seeking similar prayer pending before the Hon'ble High Court of Kerala and Hon'ble High Court of Gujarat in which the notices have been issued to the respective Governments. The present petition before this Hon'ble Court is thus preferred for a direction to all the State Governments to provide the online RTI portal facility to the citizens so that they can obtain the information from each public authority through electronic mode.

GROUNDS

- A. BECAUSE the Right to Information Act provides a legal mechanism to enforce and implement the citizen's right to information guaranteed under Article 19(1)(a) and Article 21 of the Constitution of India.
- B. BECAUSE the present system of submitting RTI applications and the corresponding reply from the concerned information officer in physical form take more time which in turn reduces the efficiency of the entire RTI mechanism thus defeating the very purpose of the legislation.

- C. BECAUSE one of the most effective provision in the RTI Act is section 7(1) which states that “information sought for concerns the life or liberty of a person, the same shall be provided within 48 hours of the receipt of the request” is not effective under the existing system and it severely affects the life and liberty of citizens. This provision can be more useful with the creation on online RTI portals at the State level.
- D. BECASUSE the e-governance has been proven to be most convenient, efficient and transparent way of governance throughout the world and a country like India with vast population is not an exemption. It is also submitted that both the State and Central Governments have started implementing e-governance for delivering government services. However RTI remains an exception which requires interference from this Hon’ble Court.
- E. BECAUSE in cases of NRI’s the present system of physical RTI applications makes it difficult, inconvenient, costly and attributes long delays in providing the desired information under RTI Act which defeats the letter and spirit of the legislation.
- F. BECAUSE the petitioner herein have first hand knowledge about several instances wherein the information officers deny the receipt of RTI applications by conventional method ie. post. But the information officers cannot deny the receipt of any RTI applications which is made through on line portals.
- G. BECAUSE it becomes next to impossible for a Non Resident Indians (NRIs) to obtain information under the conventional method of snail mail services which is otherwise a costly affair.

- H. That Union of India and state governments are statutorily bound to make the information easily available for the citizens in all convenient means possible per contra it violates the fundamental right to information which has been time and again reiterated by this Hon'ble Court to be part of Article 21 of the Constitution of India.
- I. BECAUSE the Petitioner has not filed any other petition/petitions similar or same reliefs before any Court, including this Hon'ble court.
- J. BECAUSE this Court has adequate territorial jurisdiction to issue directions, orders and writs given the cause of action in whole and in part arising within the territories in which it exercise jurisdiction.
- K. BECAUSE the Petitioner has no other equally efficacious alternative remedy and therefore, the petitioners are approaching this Hon'ble Court by filing the present petition. Any other grounds that may be urged at the time of hearing with the permission of the Hon'ble Court
23. No civil or criminal or revenue litigation involving the petitioners are in existence till date which may or may not have nexus with the issues involved in this Public Interest Litigation.
24. That the present petitioner has not filed any other petition in any High Court or the Supreme Court of India on the subject matter of the present petition.

PRAYER:

In view of the facts and circumstances of the case, it is most respectfully prayed that this Hon'ble Court may be pleased to:

- i) Pass an appropriate Writ or order or direction to all the State Governments to establish online Right to Information (RTI) portal for their respective States to enable the citizens to file online applications for information from any Departments of the State Governments under the Right to Information Act, 2005.
- ii) Any other suitable order/s as this Hon'ble Court may deem fit and necessary in light of the facts and circumstances of the case and in the interest of justice.

Filed by

Place: New Delhi

(Jose Abraham)

Dated: 14.05.2019

Advocate for the Petitioner