

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE/ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO.194 OF 2012

COMMON CAUSE

PETITIONER(S)

VERSUS

HIGH COURT OF ALLAHABAD & ANR.

RESPONDENT(S)

WITH

T.C.(C) No. 129 of 2013

W.P.(C) No. 238 of 2014

T.C.(C) No. 32 of 2014

W.P.(C) No. 40 of 2016

W.P.(C) No. 205 of 2016

SLP(C) No. 30659 of 2017

O R D E R

W.P.(C) No.194 of 2012, W.P.(C) No. 238 of 2014, W.P.(C) No. 40 of 2016 & W.P.(C) No. 205 of 2016 :

Heard learned counsel for the parties. Challenge in these set of writ petitions is to the Rules framed under Section 28 of the Right to Information Act, 2005 (in short "the Act").

First objection of the petitioners is that the charges for the application fee and per page charges for the information supplied should be reasonable.

We are of the view that, as a normal Rule, the charge for the application should not be more than

Rs.50/- and for per page information should not be more than Rs.5/-. However, exceptional situations may be dealt with differently. This will not debar revision in future, if situation so demands.

Second objection is against requiring of disclosure of motive for seeking the information. No motive needs to be disclosed in view of the scheme of the Act.

Third objection is to the requirement, in the Allahabad High Court Rules, for permission of the Chief Justice or the Judge concerned to the disclosure of information. We make it clear that the said requirement will be only in respect of information which is exempted under the scheme of the Act.

As regards the objection that under Section 6(3) of the Act, the public authority has to transfer the application to another public authority if information is not available, the said provision should also normally be complied with except where the public authority dealing with the application is not aware as to which other authority will be the appropriate authority.

As regards Rules 25 to 27 of the Allahabad High Court Rules which debar giving of information with regard to the matters pending adjudication, it is clarified that the same may be read consistent with Section 8 of the Act, more particularly sub-section (1)

in Clause (J) thereof.

Wherever rules do not comply with the above observations, the same be revisited as our observations are based on mandate of the Act which must be complied with.

The writ petitions are disposed of in above terms.

SLP(C) No. 30659/2017 :

In view of order passed in W.P.(C) No.194 of 2012, the special leave petition is disposed of.

The award of cost imposed by the High Court is set aside.

T.C.(C) No. 129/2013 & T.C.(C) No. 32/2014

In view of order passed in W.P.(C) No.194 of 2012, the transfer cases are disposed of.

.....J.
[ADARSH KUMAR GOEL]

.....J.
[UDAY UMESH LALIT]

NEW DELHI
20th March, 2018

ITEM NO.15 **REVISED** COURT NO.11 SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s). 194/2012

COMMON CAUSE

Petitioner(s)

VERSUS

HIGH COURT OF ALLAHABAD & ANR.

Respondent(s)

WITH

T.C.(C) No. 129/2013 (XVI-A)

W.P.(C) No. 238/2014 (X)

T.C.(C) No. 32/2014 (XVI-A)

W.P.(C) No. 40/2016 (X)

W.P.(C) No. 205/2016 (X)

SLP(C) No. 30659/2017 (IV-A)

(IA No.107165/2017-CONDONATION OF DELAY IN FILING and IA
No.107169/2017-EXEMPTION FROM FILING O.T.)

Date : 20-03-2018 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL
HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Petitioner(s) Mr. Prashant Bhushan, AOR
Ms. Neha Rathi, Adv.
Mr. Paranal, Adv.

Mr. Sunil Kishore Ahya,
Petitioner-in-person

Mr. E. C. Agrawala, AOR

Mr. M. Yogesh Kanna, AOR

For Respondent(s) Mr. Raghavendra S. Srivatsa, AOR
Mr. Venkita Subramoniam T.R., Adv.
Mr. Rahat Bansal, Adv.
Mr. Amit A. Pai, Adv.
Mr. Goutham Shivshankar, Adv.

Mr. Abhinav Mukerji, AOR
Mrs. Bihu Sharma, Adv.
Ms. Purnima Krishna, Adv.

Mrs. D. Bharathi Reddy, AOR
Ms. Rachna Gandhi, Adv.

Mr. Raja Chatterjee, Adv.
Ms. Runa Bhuyan, Adv.
Mr. Adeel Ahmed, Adv.
Mr. Piyush Sachdev, Adv.
Mr. Satish Kumar, AOR

Mr. Aniruddha P. Mayee, AOR
Mr. Avnish M. Oza, Adv.
Mr. Chirag Jain, Adv.

Mr. Rahul Gupta, AOR

Mr. Annam D. N. Rao, AOR
Mr. Annam Venkatesh, Adv.
Mr. Sudipto Sircar, Adv.
Ms. Tulika Chikker, Adv.
Mr. Rahul Mishra, Adv.

Mr. P.H. Parekh, Sr. Adv.
Mr. Kshatrashal Raj, Adv.
Ms. Ritika Sethi, Adv.
Mr. Vishal Prasad, Adv.
Ms. Tanya Choudhary, Adv.
Ms. Aishwarya Dash, Adv.
Ms. Pratyusha Priyardshini, Adv.
Ms. Ravleen Sabharwal, Adv.
Mr. Utkarsh Dixit, Adv.
Mr. Anwesha Padhi, Adv.
M/S. Parekh & Co., AOR

Mr. Ashok K. Srivastava, AOR

Mr. Sibho Sankar Mishra, AOR

Mr. Ashok Mathur, AOR

Mr. T. G. Narayanan Nair, AOR
Mr. C.N. Sreekumar, Adv.
Mr. Amit Sharma, Adv.

Ms. Aruna Mathur, Adv.
Mr. Avneesh Arputham, Adv.
Ms. Anuradha Arputham, Adv.
Ms. Simran Jeet, Adv.
M/S. Arputham Aruna And Co, AOR

Mr. Vijay Hansaria, Sr. Adv.
Mr. Shashank Mishra, Adv.
Mr. P.S. Chandralekha, Adv.
Mr. P. I. Jose, AOR

Mr. P.N. Mishra, Sr. Adv.
Ms. Alka Sinha, Adv.
Mr. Anuvrat Sharma, AOR

Ms. K. R. Chitra, AOR

UPON hearing the counsel the Court made the following
O R D E R

W.P.(C) No.194 of 2012, W.P.(C) No. 238 of 2014, W.P.(C)
No. 40 of 2016 & W.P.(C) No. 205 of 2016 :

The writ petitions are disposed of in terms of
the signed order.

Pending applications, if any, are also stand
disposed of.

SLP(C) No. 30659/2017 :

Delay condoned.

The special leave petition is disposed of in
terms of the signed order.

Pending applications, if any, are also stand
disposed of.

T.C.(C) No. 129/2013 & T.C.(C) No. 32/2014

The transfer cases are disposed of in terms of
the signed order.

Pending applications, if any, are also stand
disposed of.

(SWETA DHYANI)
SENIOR PERSONAL ASSISTANT

(SUMAN JAIN)
BRANCH OFFICER

(Signed order is placed on the file)

ITEM NO.15

COURT NO.11

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
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Mr. Vishal Prasad, Adv.
Ms. Tanya Choudhary, Adv.
Ms. Aishwarya Dash, Adv.
Ms. Pratyusha Priyardshini, Adv.
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Mr. Anwasha Padhi, Adv.
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The transfer cases are disposed of in terms of
the signed order.

Pending applications, if any, are also stand
disposed of.

(SWETA DHYANI)
SENIOR PERSONAL ASSISTANT

(SUMAN JAIN)
BRANCH OFFICER

(Signed order is placed on the file)