

Central Information Commission, New Delhi

**Case No. CIC/WB/C/2010/900031, CIC/WB/C/2010/900032-SM,
CIC/SM/C/2011/900894, CIC/SM/C/2011/901291, CIC/SM/C/2011/901292,
CIC/SM/C/2011/901294, CIC/SM/C/2011/901296, CIC/SM/C/2011/901297,
CIC/SM/C/2011/901298, CIC/SM/C/2011/901301 & CIC/WB/C/2010/000575-SM
Right to Information Act-2005-Under Section (19)**

Name of the Complainant : 1. Shri C.J. Karira
2. Shri Mani Ram Sharma

Name of the Public Authority : High Court of Andhra Pradesh, Gauhati
High Court, High Court of Gujarat, High
Court of Himachal Pradesh, Jharkhand
High court, Rajasthan High Court, High
Court of Judicature, Allahabad, Madras
High Court, High Court of Punjab &
Haryana, Chandigarh, High Court of
Sikkim

Chief Information Commissioner : **Shri Satyananda Mishra**

Date of decision : 12.01.2012

Shri C.J. Karira of Hyderabad and Shri Mani Ram Sharma of Churu Rajasthan have filed complaints against the above mentioned Public Authorities under section 18 of the RTI Act, 2005. Their main grounds of filing complaints before this Commission are that the websites of the Public Authority do not carry *suo motu* declarations as mandated under

section of Sec 4(1) (b) of the RTI Act. They have also submitted the print outs from the websites of the public authorities in support of their claim.

The cases were heard on 30.12.2011. The following were present:

- a) Shri C J Karira
- b) Shri PI Jose representing Gauhati High Court, Guwahati
- c) Shri Sushil Kumar representing High Court of Judicature, Allahabad
- d) Shri KM Shaikh representing High Court of Gujarat, Ahmedabad
- e) Shri Vinay kr Sharma representing Jharkhand High Court, Ranchi
- f) Shri Suresh mahajan representing High Court of Punjab & Haryana, Chandigarh
- g) Shri Harish Kumar Sharma representing High Court of Sikkim, Sikkim
- h) Shri Saurabh Mishra representing High Court of Andhra Pradesh, Hyderabad

2. As its preamble shows the RTI Act was enacted to promote transparency and accountability in the working of every public authority in order to strengthen the core constitutional values of a democratic republic. The compliance of provisions of section 4 ensures transparency and minimum resort to the use of this Act to obtain information.

3. The Supreme Court of India in the case of **Central Board of Secondary Education & Anr. Vs Aditya Bandopadhyay & Ors.** has observed that the effect of the provisions and scheme of the RTI Act is to divide 'information' into the three categories. They are:

(i) Information which promotes transparency and accountability in the working of every public authority, disclosure of which may also help in containing or discouraging corruption (enumerated in clauses (b) and (c) of section 4(1) of RTI Act).

(ii) Other information held by public authority (that is all information other than those falling under clauses (b) and (c) of section 4(1) of RTI Act).

(iii) Information which is not held by or under the control of any public authority and which cannot be accessed by a public authority under any law for the time being in force.

In regard to the information falling under the first category, there is also a special responsibility upon public authorities to suo moto publish and disseminate such information so that they will be easily and readily accessible to the public without any need to access them by having recourse to section 6 of RTI Act.

4. The contents of section 4 (1) (b) of the RTI Act, 2005 are extracted below:

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

(a) xxxxxxx

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

(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;
- (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;

The apex court in the above mentioned case has further observed that *the right to information is a cherished right. Information and right to information are intended to be formidable tools in the hands of responsible citizens to fight corruption and to bring in transparency and accountability. The provisions of RTI Act should be enforced strictly and all efforts should be made to bring to light the necessary information under clause (b) of section 4(1) of the Act which relates to securing transparency and accountability in the working of public authorities and in discouraging corruption.*

5. Sri Karira made an exhaustive presentation and showed how the disclosures made by all High Courts except the Guwahati High Court fell far short of the requirements of section 4 (1) (b) of the Act.

6. During the hearing, the representative of the High Court of Gauhati presented a compilation of their mandatory disclosures u/s 4 (1) (b) of the RTI Act. We have taken them on record. We must congratulate the High Court of Gauhati for their elaborate and meaningful disclosures as required by the express provisions of the Act. Their disclosures are worth emulating by all such public authorities. If such exhaustive disclosures can be prepared by one of the High Courts of the country, there is no reason why the other High Courts cannot do the same. This is more so as the High Courts are looked upon as models for compliance of the laws of the land.

7. We, under section 25 (5) of the RTI Act, recommend to all other High Courts whose names are listed as respondents in the present case to disclose all the information as per the provisions of sub-section (1) (b) of Section 4 of the RTI Act within 3 months of the passing of the order. The disclosures made by the High Court at Guwahati in this regard offer a very good model and can be easily emulated. The compliance of the order should be reported to us thereafter.

8. The cases are disposed off accordingly.

(Satyananda Mishra)
Chief Information Commissioner

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges prescribed under the Act to the CPIO of this Commission.

(Pankaj K P Shreyaskar)
Joint Registrar