

Date: 23.05.2024

To,
Shailaja
Assistant Secretary (AR&Trg.)
A&N Administration
Secretariat
Port Blair.

From,
Anuj Nakade,

[REDACTED]
[REDACTED]
[REDACTED]

Subject: Following up the absence of an online web portal for filing of RTI Application for public authorities within the Union Territory

Sir,

I am Anuj Nakade, a digital content creator and Citizen of India who publishes his content on Instagram. I had written an email to the Andaman and Nicobar Administration on 23.04.2024 about the implementation of an RTI Web Portal, as is mandated under Section 6(1) of the Right to Information Act, 2005 as per the Supreme Court's Order dated 20.03.2024 in W.P.(C) 1040 of 2019. The above mentioned order is attached with this letter for the ease of your Persual. The previous email should be in the same chain as this letter.

I am writing this letter to thank you for your response regarding this issue in the email with letter dated 26.04.2024 bearing reference M-11012/56/22-ARTRG-Section-Sectt/100481. It is understood from the letter that the Andaman and Nicobar Administration shall resume the process to implement the RTI portal after the repealing of the Modal of Code of Conduct (MCC), i.e. after 06.06.2024.

It is pointed out that the said timeline extends the implementation of the RTI Web Portal over and above the 3 months provided by the Hon'ble Supreme Court on 20.03.2024. However, the transparency in plans for the implementation of the said portal is appreciated.

It is further requested from the Administration (if it is possible) to share an end date by which the portal shall be implemented. The reason for such a request is that filing of RTI Request applications online is a matter of statutory right under Section 6(1) of the Right to Information Act, 2005 and it would be easier for me or for the public in general to follow up with the Authorities regarding this issue.

Hence, Please provide in response to this email, a date by which I could follow up about the implementation of the RTI web portal, or a date you believe a follow-up email regarding this issue would be obsolete.

Hoping to hear from you soon.

Regards,

Anuj Nakade

**IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION**

Writ Petition (Civil) No 1040 of 2019

Pravasi Legal Cell

Petitioner

Versus

Union of India and Others

Respondents

W I T H

Writ Petition (Civil) No 1325 of 2020

O R D E R

Writ Petition (Civil) No 1325 of 2020

- 1 The petitioner invokes the jurisdiction of this Court under Article 32 of the Constitution seeking a direction to all the Registrars General of the High Courts to establish and operationalise online right to information portals, both for the High Court and the district judiciary under their administrative control. This, it is urged, would enable citizens to file online applications for information under the Right to Information¹ Act 2005 and navigate appeals

“RTI”

arising from original orders.

- 2 The petitioner has highlighted that the Union Government has already established an online RTI portal in terms of which information can be sought under the Right to Information Act from each ministry/department. Moreover, some State governments are stated to have also operationalized the RTI portals.
- 3 At present, it has been submitted, a person seeking information under the RTI Act from the High Court or from any court forming a part of the district judiciary, has to make a physical application in the absence of a web portal. In such a case, the applicant has to obtain a postal order or a bank draft for the payment of the requisite fees. It has been urged that the setting up of online web portals will facilitate Indian citizens in seeking access to information under the Right to Information Act 2005.
- 4 The Chief Justice of every High Court would be the competent authority under Section 2(e)(iii) and has the power to make rules under Section 28. Hence, it is asserted that the Chief Justice of the High Courts can ensure that rules are formulated for setting up online portals for RTI applications and appeals arising from them.
- 5 Section 6(1) of the Right to Information Act 2005 stipulates that a person

who desires to obtain any information under the Act shall make a request in writing “or through electronic means” specifying the particulars of the information sought. This provision indicates that an RTI applicant has a statutory right to move an application through electronic means.

- 6 The Supreme Court of India has recently set up an online portal facilitating requests for the supply of information. Online facilities would considerably facilitate the fulfillment of the objects of the Act. Though the Act was enacted in October 2005, after a lapse of 17 years, online web portals are still to be operationalized by some of the High Courts.
- 7 During the course of hearing, this Court has been apprised of the fact that the High Courts of Madhya Pradesh, Odisha and Delhi have set up web portals for the purpose. Likewise, it has been stated that in the State of Karnataka, the High Court utilizes the web portal which has been set up by the State government.
- 8 We are of the view that such an exercise should be carried out by all the High Courts in the country no later than within a period of three months from the date of this order.
- 9 A certified copy of this order shall be remitted by the Registrar (Judicial) of this Court to all the Registrars General, who shall in turn, seek administrative directions from the learned Chief Justices for implementation.

- 10 The High Courts shall make adequate provisions to facilitate the supply of information through online web portals and for all incidental purposes connected with the implementation of the Right to Information Act 2005.
- 11 As regards the district judiciary, which is under the administrative control of the High Courts, we request all the Registrars General to take administrative directions from the Chief Justices. The High Courts may utilize the support of the National Informatics Centre for the purpose. NIC shall provide all logistical and technical assistance in that regard to the High Courts.
- 12 The Petition shall stand disposed of in the above terms.
- 13 Pending applications, if any, stand disposed of.

Writ Petition (Civil) No 1040 of 2019

- 1 In view of the orders which have been passed in Writ Petition (Civil) No 1325 of 2020, there shall be a direction to all the State governments/Union Territories to set up and operationalize online web portals so that information sought under the Right to Information Act 2005 is made available in respect of all public authorities falling within their jurisdiction. This exercise shall be completed within a period of three months from the date of this order.
- 2 The Petition is accordingly disposed of.

3 Pending applications, if any, stand disposed of.

.....CJI.
[Dr Dhananjaya Y Chandrachud]

.....J.
[Pamidighantam Sri Narasimha]

.....J.
[J B Pardiwala]

New Delhi;
March 20, 2023
CKB

ITEM NO.21

COURT NO.1

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition (Civil) No.1040/2019

PRAVASI LEGAL CELL

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

WITH W.P.(C) No.1325/2020 (PIL-W)
W.P.(C) No.990/2021 (PIL-W)

Date : 20-03-2023 These petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA
HON'BLE MR. JUSTICE J.B. PARDIWALA

For Petitioner(s)
WPC 1040/2019

Mr. Jose Abraham, AOR
Ms. Anjali Mohan, Adv.
Ms. Anju Thomas, Adv.

WPC 1325/2020 &
WPC 990/2021

Mr. Rajesh Kumar, Adv.
Mr. E.C. Agrawala, AOR

For Respondent(s)

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Mr. Sabarish Subramanian, Adv.
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Dr. Joseph Aristotle S., AOR

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Mr. Maibam Nabaghanashyam Singh, Adv.

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Ms. Nishi Sangtani, Adv.
Ms. Vani Vandana Chhetri, Adv.

Mr. Vishnu Sharma, AOR
Mr. Jatinder Kumar Bhatia, AOR

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

Writ Petition (C) No 1040 of 2019 & Writ Petition (C) No 1325 of 2020

- 1 The Petitions are disposed in terms of the signed order.
- 2 Pending applications, if any, stand disposed of.

Writ Petition (Civil) No 990 of 2021

- 1 All the States which have not filed their replies until date are granted further period of three weeks to file their responses.
- 2 Ms Madhavi Divan, Additional Solicitor General also seeks time to put in her response on behalf of the Department of Personnel Training of the Union of India within three weeks.
- 3 Soft copies of the response shall be shared with the petitioner, who appears in person.
- 4 All the States who have filed their replies are permitted to file updated status report, if so required.
- 5 List the Petition on 14 April 2023.

**(CHETAN KUMAR)
A.R. -cum-P.S.**

(Signed order is placed on the file)

**(SAROJ KUMARI GAUR)
Assistant Registrar**