

Date: 23.04.2024

To,

**Department of Information Technology
Government of Sikkim Secretariat
Annexe 1, Top Floor,
Sonam Tshering Marg
Gangtok , Sikkim-737101**

From,

Anuj Nakade,



Subject: Regarding the absence of an online web portal for filing of RTI Application for public authorities within the State.

Sir,

I am Anuj Nakade, a citizen of India and a digital content creator. Often in pursuing my vocation, I file applications with several government authorities nationwide for information to be published in my works.

In one such endeavour, I wished to file an application requesting information from the Police Administration / Home Department of the Government of Sikkim. However, to my dismay, there is no web portal for filing of the Right to Information Request Applications for the authorities under the jurisdiction of the Sikkim Government

It is pointed out that as per a Supreme Court order dated 20.03.2023 in Writ Petition No. 1040 of 2019, the Supreme Court had observed that under Section 6(1) of the Right to Information Act, a person has the statutory right to file an RTI through electronic means. In light of this reasoning, the Supreme Court has issued directions to all State Governments and Union Territories to create operational RTI web portals within 3 months of the issuance of the order. A Copy of the Supreme Court order dated 20.03.2023 is attached with this letter.

It is further pointed out that the 3-month time period provided by the Supreme Court to create and operationalise RTI Web Portals elapsed on 20.06.2023.

Therefore, I am writing this letter to the Government of Sikkim to request the creation of an online portal for RTI Applications, where an RTI Request Application and First Appeals can be filed with all Public Information Officers and First Appellate Authorities Across the UT. The Central Government has a website for all public authorities, along with several states. Given

below is a list of all RTI web portals for Central and State authorities across the country for reference to build a website for Sikkim.

1. Union Government - www.rtionline.gov.in
2. Kerala - <https://rtiportal.kerala.gov.in/>
3. Tamil Nadu - <https://rtionline.tn.gov.in/>
4. Karnataka - <https://rtionline.karnataka.gov.in/>
5. Telangana - <https://rti.telangana.gov.in/>
6. Maharashtra - <https://rtionline.maharashtra.gov.in/>
7. Chattisgarh - <https://rtionline.cg.gov.in/>
8. Madhya Pradesh - <https://www.rti.mp.gov.in/>
9. Odisha - <https://rtiodisha.gov.in/>
10. Delhi - <https://rtionline.delhi.gov.in/>
11. Rajasthan - <https://rti.rajasthan.gov.in/>
12. Uttar Pradesh - <https://rtionline.up.gov.in/>
13. Bihar - <https://jaankari.bihar.gov.in/>
14. Meghalaya - <https://megrti.gov.in/>
15. Mizoram - <https://rti.mizoram.gov.in/login>
16. Tripura - <https://rtionline.tripura.gov.in/>
17. Haryana - <https://rtiharyana.gov.in/>
18. Punjab - <https://rti.punjab.gov.in/>
19. - Uttarakhand - <https://rtionline.uk.gov.in/>
20. Himachal Pradesh - <https://onlinerti.hp.gov.in/>
21. Ladakh - <https://rtionline.ladakh.gov.in/>

I hope the Union Territory of Sikkim shall comply with the Order and embrace the spirit of the RTI Act and do the needful at the earliest.

Thank you,
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
RECORD OF PROCEEDINGS

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) Mr. Jose Abraham, AOR
WPC 1040/2019 Ms. Anjali Mohan, Adv.
Ms. Anju Thomas, Adv.

WPC 1325/2020 & Mr. Rajesh Kumar, Adv.
WPC 990/2021 Mr. E.C. Agrawala, AOR

For Respondent(s) Mrs. Madhavi Divan, ASG
Ms. Nidhi Khanna, Adv.
Mr. P.V.Yogeswaran, Adv.
Mr. Rajat Nair, Adv.
Mr. S.S. Rebello, Adv.
Mr. Arvind Kumar Sharma, AOR

Ms. Madhvi Divan, A.S.G.
Mr. Gurmeet Singh Makker, AOR
Mr. P.V. Yogeswaran, Adv.
Mr. S.S. Rebello, Adv.
Ms. Nidhi Khanna, Adv.
Mr. B.K. Satija, Adv.

Mr. Tanmaya Agarwal, AOR
Mr. Wrick Chatterjee, Adv.
Mrs. Aditi Agarwal, Adv.

Mr. V.K. Shukla, Sr. Adv.
Mr. Adarsh Upadhyay, AOR
Mr. Aman Pathak, Adv.
Ms. Pallavi Kumari, Adv.

Mr. Yashvardhan, Adv.
Ms. Smita Kant, Adv.
Mr. Apoorv Shukla, AOR
Mr. Puneet Chahar, Adv.
Ms. Prabhleen A. Shukla, Adv.

Dr. Monika Gusain, AOR

Mr. Ajay Pal, AOR

Ms. Uttara Babbar, AOR

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Mr. Kunal Chatterji, AOR
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Mr. Rohit Bansal, Adv.
Ms. Kshitij Singh, Adv.

Mrs. Niranjana Singh, AOR
Mr. Saket Singh, Adv.

Ms. Madhumita Bhattacharjee, AOR
Ms. Urmila Kar Purkayastha, Adv.
Ms. Arushi Mishra, Adv.
Ms. Piyali Paul, Adv.
Mr. Sandeep, Adv.

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Ms. Nidhi Mittal, Adv.

Mr. V.N. Raghupathy, AOR
Mr. Manendra Pal Gupta, Adv.
Mr. Dhanesh Ieshdhan, Adv.
Mr. Varun Varma, Adv.

Mr. Romy Chacko, AOR
Ms. Sneha Kalita, AOR

Mr. Mahfooz Ahsan Nazki, AOR
Mr. Polanki Gowtham, Adv.
Mr. T Vijaya Bhaskar Reddy, Adv.
Mr. Ms. Niti Richhariya, Adv.
Ms. Niti Richhariya, Adv.
Mr. K.V. Girish Chowdary, Adv.

Mr. S. Udaya Kumar Sagar, AOR

Mr. Nikhil Goel, AOR

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

Ms. Radhika Gautam, AOR

Mr. Sahil Tagotra, AOR
Mr. Abhishek Pandey, Adv.
Ms. Sakshi Garg, Adv.
Mr. Gajendra Singh Negi, Adv.

Mr. Abhay Sahay, A.A.G.
Mr. Kameshwarnath Mishra, Adv.

Ms. Mrinal Gopal Elker, AOR

Mr. P.V. Yogeshwaran, AAG

Mr. Sunny Choudhary, AOR

Mr. Yashraj Singh Bundela, Adv.

Mr. Sandeep Sharma, Adv.

Mr. Tapesk Kumar Singh, AOR

Mr. Aditya Pratap Singh, Adv.

Mr. Prashant Bhardwaj, Adv.

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Ms. Sagun Srivastava, Adv.

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Mr. Mahesh Thakur, AOR

Mr. Maibam Nabaghanashyam Singh, Adv.

Mr. Maibam Nabaghanashyam Singh, AOR

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Mr. Kumar Kartikey, Adv.

Mr. Shuvodeep Roy, AOR

Mr. Deepayan Dutta, Adv.

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Mr. Sanjai Kumar Pathak, AOR

Mr. Arvind Kumar Tripathi, Adv.

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Mr. Niranjana Sahu, Adv.

Mr. Debabrata Dash, Adv.

Mr. Ranjan Mukherjee, AOR

Mr. Gaurav Agrawal, AOR

Ms. Astha Sharma, AOR

Mr. Srisatya Mohanty, Adv.

Mr. Sanjeev Kaushik, Adv.

Ms. Mantika Haryani, Adv.

Mr. Shreyas Awasthi, Adv.

Mr. Himanshu Chakravarty, Adv.

Ms. Ripul Swati Kumari, Adv.

Mr. Bhanu Mishra, Adv.

Mr. Devvrat Singh, Adv.

Ms. Muskan Surana, Adv.

Ms. K. Enatoli Sema, AOR
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Mr. Amit Kumar Singh, Adv.
Ms. Chubalemla Chang, Adv.
Mr. Prang Newmai, Adv.

Mr. Mukul Kumar, AOR

Mr. Vishnu Sharma, Adv.
Ms. Madhusmita Bora, AOR
Mr. Dipankar Singh, Adv.
Mrs. Anupama Sharma, Adv.
Mr. Bir Inder Singh Gurm, Adv.

Mr. Avneesh Arputham, Adv.
Ms. Anuradha Arputham, Adv.
M/s. Arputham Aruna & Co.

Mr. Shrirang B. Varma, Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR
Mr. Bharat Bagla, Adv.
Mr. Sourav Singh, Adv.

Mr. Som Raj Choudhury, AOR
Mr. Naresh K. Sharma, AOR

Mrs. D. Bharathi Reddy, AOR

Mr. Anand Shankar, AOR
Mr. Tarun Kumar, Adv.

Mr. Sameer Abhyankar, AOR
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.

(SAROJ KUMARI GAUR)
Assistant Registrar
(Signed order is placed on the file)