

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 1814 OF 2012**

Sunil Ahya .. Petitioner
V/s
The State of Maharashtra .. Respondent

Mr. Rohit Sharma with Mr. Mohan Kanojiya i/b Mr. Siddharth Morarka for the petitioner.
Mr. Anurag Gokhale, A.G.P. for the respondent.

**WITH
CIVIL APPELLATE JURISDICTION
PUBLIC INTEREST LITATION NO. 65 OF 2012**

Shivaji Jagannath Kshirsagar .. Petitioner
V/s
The State of Maharashtra .. Respondent

Mr. G.N. Salunkhe with Mr. Umesh Kurund for the petitioner.
Mr. Vishal Thadani, A.G.P. for the respondent.

**CORAM: DR. MANJULA CHELLUR, CJ. &
M.S. SONAK, J.**

DATE : 2nd SEPTEMBER 2016

P.C.:

These two writ petitions are filed challenging the amendment brought to the Maharashtra Right to Information Rules, 2005 (for short “RTI Rules”) by way of insertion of Rule 3A which stipulates that request in writing for the information under section 6 of the Right to Information Act, 2005 (for short “RTI Act”) shall

relate to one subject matter and it shall not ordinarily exceed 150 words.

2. According to the petitioners, the amendment stipulates that if an applicant seeks information of more than one subject, he shall make separate application for every subject. It is contended that such amendment is nothing but harassment to citizens seeking information and the same is against the fundamental right of freedom as it restricts an RTI application to 150 words. This is only with an intention to withhold the information on some pretext or the other, is the stand of the writ petitioners. Further contended that the amendment brought to the RTI Rules would compel the applicant to pay more requisite fee, if he intends to seek information on different subjects. Therefore, it is unconstitutional and seeks quashing of the amendment, i.e. insertion of Rule 3A of the RTI Rules.

3. We have gone through the affidavit of State of Maharashtra filed by Joint Secretary, General Administration Department, Mantralaya, Mumbai. In terms of powers contemplated under section 27(1) and (2) of the RTI Act for implementation of the statute, in order to have proper procedure, the RTI Rules are made by the State Government. Apparently, these Rules have to be followed by all the departments in the State of Maharashtra. Prior to the amendment in question, there was unwarranted complications because of no restriction being imposed so far as the topic on which

information was sought. If an applicant seeks information on one topic, the relevant information may have to be secured from not only various departments but also various divisions in the State of Maharashtra. According to the stand of the State, under such circumstances, the Public Information Officer of a single department to whom the application is addressed needs to collect information from various departments and various divisions and in most of the cases, the time consumed for such collection of information was beyond 30 days. This would result in creating harassment to the Public Information Officer. On account of this difficulty, the officer was unable to secure and file compilation of information. The officers are also facing complex applications which would run into pages. To retrieve information and compile the information after securing from various departments, it would become an uphill task for the Public Information Officer to secure such information within a period of 30 days.

4. After analysing such practical difficulties faced by Public Information Officer, in order to ease out the process and to give specific information, the present amendment is brought. The provisions stipulate separate application for separate subjects so that they can secure specific information. We fail to understand how this would deny securing information or opportunity or right to secure information in any manner.

5. appraisal of material and arguments before us, the decision of the respondent authorities in bringing amendment to Rules by insertion of Rule 3A, the purpose seems to be to disseminate the information within the time frame and so also to be specific with certainty on the information given since one application is to be addressed on one subject. We do not find any arbitrariness in the exercise undertaken by the respondent authorities. On the other hand, in order to cut short the time consumed in securing the information from various departments and to give accurate and precise information, the exercise undertaken is laudable. Therefore, we are not able to appreciate the grievance expressed by the petitioners in the above writ petitions and accordingly the petitions fail. The writ petitions are dismissed.

(M.S. SONAK, J.)

(CHIEF JUSTICE)