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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 10599/2015

AASTHA SHARMA & ORS Petitioners

Through: Petitioners in person.

Versus

REGISTRAR GENERAL, DELHI HIGH COURT Respondent

Through: Mr.Rajiv Bansal, Adv.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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20.01.2016

1. This public interest petition has been filed alleging that Rules 3 and 10 of the Delhi High Court (Right to Information) Rules, 2006 are not in conformity with the provisions of the Right to Information Act, 2005. It is also alleged that the High Court Rules do not provide access to information to the citizens falling under 'below poverty line' category at free of cost.
2. The Right to Information Act, 2005 (for short 'the Act') has been enacted to provide for setting out the practical regime of right to information for citizens to secure access to information under the control of public authorities in order to promote transparency and accountability in the working of every public authority. Section 28 of the Act empowers the competent authority to make Rules to carry out the provisions of the Act. In exercise of the powers so conferred, the High Court of Delhi made Delhi High Court (Right to Information) Rules, 2006 (hereinafter referred to as the 'High Court Rules') and the same were notified vide notification

No.180/Rules/DHC dated 11.08.2006. So far as the Courts subordinate to High Court of Delhi are concerned, a different set of Rules, viz., Delhi District Courts (Right to Information) Rules, 2008 (hereinafter referred to as the 'District Court Rules') have been made vide notification No.162/Rules/DHC dated 06.05.2009.

3. Rules 3 and 10 of the High Court Rules, which are impugned in the present writ petition read as under:

"Rule 3. Application for seeking information [Explanation:- For each information sought, separate application shall be made. However, where more than one information sought is consequential or related to one another, applicant will be permitted to seek them in one application.]

(a) Any person seeking information under the Act shall file an application from 11 A.M. to 1 P.M. and 2 P.M. To 4 P.M. on a Court working day to the authorized person in Form A and deposit application fee as per Rule 10 with the authorized person;

(b) The authorized person shall duly acknowledge the application as provided in Form B.

Provided that a person who makes a request through electronic form shall ensure that the requisite fee is deposited in cash, Indian Postal Order, Demand Drafts, Pay Order with the authorized person within 15 days of his sending the request through the electronic form and through post, failing which his application shall be treated as dismissed.

Rule 10. Charging of application Fee - (i) The authorized person shall charge the fee at the following rates, namely:

(A) Application Fee

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|------|--|---------------------------------------|
| (i) | Information not relating to Rule 4(iv) | 50 Rupees above .
per application. |
| (ii) | Information other than (i) above . | 50 Rupees per
application. |

(B) Other fees-

Sl.No.	Description of information	Price/Fee in Rupees
1.	Where the information is available in the form of a priced publication	Price So fixed
2.	For other than priced publication	Rs.5.00 per page

4. The contention of the petitioners is that the requirement under Rule 3 to make separate applications for each information, is inconsistent with the object sought to be achieved by the Act. Regarding Rule 10, it is contended that the fees prescribed @ Rs.50/- per application and Rs.5/- per page for other than priced publication is unreasonable and exorbitant apart from being contrary to sub-section (5) of Section 7 of the Act. The further contention is that the High Court Rules, which are silent about the applications received from the persons who are below poverty line cannot be held to be in conformity with the mandatory provisions of 7(5) of the Act, which expressly provides that no fees shall be charged from the persons who are below poverty line.

5. When the matter was taken up on 18.11.2015, it was brought to our notice by Mr.Rajiv Bansal, the learned counsel representing the respondent that the issues raised in the petition regarding the application fees prescribed in Rule 10 and the information to be furnished to the persons who are below poverty line free of cost have already been considered by the Committee dealing with the issues under the Right to Information Act in the meeting held on 02.09.2015 and the following Amendments were recommended to High Court Rules:

(I) The existing Rule 10(i)(A) of the Delhi High Court (Right to Information) Rules, 2006 be replaced by the new Rule 10.(i)(A), in the following way:

“10(i)(A) Application Fee – 10 Rupees per application.”

(II) The existing Rule 10.(i)(B) of the Delhi High Court (Right to Information) Rules, 2006 be replaced by the new Rule 10.(i)(B), in the following way:

“10(i)(B) Other fees –

Fee for providing information under –subsection (4) and subsections (1) and (5) of Section 7 of the Act shall be charged at the following rates, namely;-

- (a) Rupees two for each page in A-3 or smaller size paper;
- (b) actual cost or price of photocopy in large size paper;
- (c) actual cost or price for samples or models;
- (d) rupees fifty per diskette or floppy;
- (e) price fixed for a publication or rupees two per page of photocopy for extracts from the publication;
- (f) no fee for inspection of records for the first hour of inspection and a fee of rupees 5 for each subsequent hour or fraction thereof; and
- (g) so much of postal charge involved in supply of information that exceeds fifty rupees.”

(III) The new Rule 10.(i)(C) be added after the above proposed new Rule 10.(i)(B), in the following way:

“10(i)(C) Exemption from Payment of Fee – No fee under rule 10(i)(A) and rule 10(i)(B) shall be charged from any person who is below poverty line provided a copy of the certification issued by the appropriate Government in this regard is submitted alongwith the application.”

6. Similarly, the following Amendments have been recommended to the District Courts Rules:

"(IV) The existing sub-rule (c) of Rule 4 of the Delhi District Courts (Right to Information) Rules, 2008 be replaced by new sub-rule (c) of Rule 4, in the following way:

“4(c) Fee for providing information under sub-section (4) of Section 4 and sub-sections (1) and (5) of Section 7 of the Act shall be charged at the following rates, namely:-

- (i) rupees two for each page in A-3 or smaller size paper;
- (ii) actual cost or price of a photocopy in large size;
- (iii) actual cost or price for samples or models;
- (iv) no fee for inspection of records for the first hour of inspection and a fee of rupees 5 for each subsequent hour or fraction thereof; and
- (v) so much of postal charge involved in supply of information that exceeds fifty rupees.”

(V) The existing sub-rule (d) of Rule 4 of the Delhi District Courts (Right to Information) Rules, 2008 be replaced by the new sub-rule (d) of Rule 4, in the following way:-

“4(d) Fee for providing information under sub-section (4) of Section 4 of Section 4 and sub-sections (1) and (5) of Section 7 of the Act shall be charged at the following rates, namely:-

- (i) Rupees fifty per diskette;
- (ii) price fixed for a publication or rupees two per page of photocopy for extracts from the publication.”

(VI) The existing sub-rule (g) of Rule 4 of the Delhi District Courts (Right to Information) Rules, 2008 be replaced by the new sub-rule (g) of Rule 4, in the following way:

4.(g) No fee under sub-rule (a), sub-rule(c) and sub-rule(d) of rule 4 shall be charged from any person who is below poverty line provided a copy of the certificate issued by the appropriate Government in this regard is submitted along with the application.”

7. So as to enable the learned counsel for the respondent to get instructions as to what further steps have been taken pursuant to the

recommendations made by the Committee in its meeting dated 02.09.2015, the petition was adjourned from 18.11.2015 to 20.01.2016.

8. When the matter is taken up today for consideration, it is represented by the learned counsel for the first respondent that the recommendations of the Committee dated 02.09.2015 have been approved by the Full Court in the meeting dated 18.01.2016 and he was instructed by the Registrar General, High Court of Delhi that the Amendments to both the Delhi High Court (Right to Information) Rules, 2006 and the Delhi District Courts (Right to Information) Rules, 2008 as approved by the Full Court would be notified within four weeks.

9. In exercise of the powers conferred by Section 27 of the Act, the Central Government had initially made Central Information Commission (Appeal Procedure) Rules, 2005 and the Right to Information (Regulation of Fee and Cost) Rules, 2005. Subsequently, in supersession of the said rules, the Central Government made the Right to Information Rules, 2012 published in the Gazette of India dated 31.07.2012. Rule 4 of the said Rules prescribes the fees for providing information. As is evident from the Amendments that have now been affected to the High Court Rules as well as the District Rules, the fees structure has been brought in conformity with the provisions of the Right to Information Rules, 2012 made by the Central Government. Similarly, the persons who are below poverty line are also expressly exempted from payment of fees, provided a copy of the certificate issued by the appropriate Government is submitted along with the application.

10. Thus, the two issues raised in the writ petition, i.e., the rate of application fees and the exemption to the persons who are below poverty line have been addressed by the respondent.

11. So far as the contention of the petitioners that Rule 3 of the High Court Rules is not in conformity with the parent Act since it requires separate applications to be made for each information sought is concerned, we do not find any merit since it is made clear in the Explanation to Rule 3 itself that where more than one information sought is consequential or related to one another, applicant will be permitted to seek them in one application. The said requirement, according to us, cannot be said to be in contravention of the object of the Act to ensure maximum disclosure and minimum exemptions and effective mechanism for access to information. The contention of the petitioners which does not hold any legal basis is wholly misconceived. As already mentioned, the Explanation to Rule 3 requires separate applications only where more than one information which is not related to one another is sought. Apparently, the same is intended to prevent frivolous applications seeking roving inquiries into innumerable subjects. Hence, no amendment is needed to Rule 3 of High Court Rules in that regard.

12. The writ petition is accordingly disposed of.

CHIEF JUSTICE

JAYANT NATH, J

JANUARY 20, 2016/pmc