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HIGH COURT OF CHHATTISGARH, BILASPUR

Order reserved on : 09/03/2017

Order passed on : 19/06/2017

WP(PIL) No. 25 of 2014

1. Dinesh Kumar Soni S/o Late Ramji Prasad Soni Aged About 36 Years R/o Village Chatherma, Post Latori, P.S. Gandhi Nagar, Ambikapur, Civil & Revenue Distt. Surguja C.G.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Law and Legislature Department, Baloda Bazar Road, Raipur, Revenue & Police District – Raipur (CG)
2. Chhattisgarh Legislative Assembly, Through its Secretary, Chhattisgarh Legislative Assembly, Secretariat, Baloda Bazar Road, Raipur, Police Station & Revenue & Police District-Raipur (CG)
3. State Information Commission, through its Secretary, Mera Datar Road, Nirmal Chhaya Bhavan, Shankar Nagar, Raipur, Civil and Revenue District-Raipur (CG)

---- Respondents

Hon'ble Shri Justice Pritinker Diwaker

Hon'ble Shri Justice Sanjay K. Agrawal

C A V ORDER

Sanjay K. Agrawal, J.

01. R.V. Raveendran, J in the matter of **CBSE & another Vs. Aditya Bandhopadhyay**¹ speaking for the Supreme Court pertinently observed qua right to information as under:

“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 Right to Information Act should be enforced strictly and all efforts should be made to bring to light under Clause (b) of Section 4(1) of the Act, which relates to securing transparency and accountability of working of public authorities and in discouraging corruption.”

02. Feeling deprived of above-stated right to information by enhancement/prescription of fee as ₹ 500/- for submission of the application for getting information with a fee of ₹ 15/- per page by amending Rule 5 and Rule 6(1) of Chhattisgarh Vidhan Sabha Secretariat Right to Information (Regulation of Fees and Costs) Rules, 2011 as amended (hereinafter referred to as “Rules,

¹ (2011) 8 SCC 497

2011”), the petitioner herein acting *pro bono publico* has filed this writ petition calling in question the constitutional validity of Rule 5 and Rule 6(1) of the Rules, 2011.

3. The essential facts, shorn of all paraphernalia to adjudicate challenge to the aforesaid constitutional validity of the Rules, 2011 are as under:

3.1 The petitioner, who is a practicing advocate and claims to be the RTI activist, showing concern with the interest of general public, has filed this petition questioning the constitutional validity of Rule 5 and Rule 6(1) of the Rules, 2011. Right to Information Act, 2005 (hereinafter called as “Act of 2005”) has been promulgated by the assent of the President on 15.6.2005 with an object to provide for setting out the practical regime of right to information for citizen 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. Under the said Act, the Central Information Commission and the State Information Commission have been constituted under sub-section (1) of Section 12 and sub-section (1) of Section 15 of the Act of 2005.

3.2. Under the Act of 2005, certain authorities have been classified as competent authority and in case of Legislative Assembly of the State, the competent authority is the Speaker. The competent authorities as defined in Section 2(e) of the Act of

