

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.Nos.11896 & 11897 of 2020

Saurav Das

... Petitioner in
both WPs.

Vs.

1. Union of India
rep. by its Secretary
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training)
North Block, New Delhi 110 001.
2. State of Tamil Nadu
rep. by Principal Secretary to the Government
Personnel and Administrative Reforms Department
Secretariat, Chennai 600 009.
3. Central Information Commission
rep. by its Secretary
CIC Bhawan, Baba Gangnath Marg
Munirka, New Delhi 110 067.
4. Tamil Nadu Information Commission
rep. by its Secretary
No.2, Theagaraya Salai
Near Aalai Amman Koil, Teynampet
Chennai 600 018.

Respondents in
... both WPs.

Prayer: Petition under Article 226 of the Constitution of India praying for a writ of Mandamus directing the first and second respondent to issue guidelines and prescribe/fix a time limit to decide first and second appeals and complaints filed under Sections 19(1) & 19(3) and 18 of the Right to Information Act, 2005, with respect to applications seeking information pertaining to life and liberty.

For Petitioner : Mr.M.V.Swaroop

For Respondents : Mr.G.K.Muthukumar
Special Govt. Pleader
for respondent-2

Mr.Niranjan Rajagopalan
for respondent-4

ORDER

(Made by the Hon'ble Chief Justice)

Though the petitions were filed complaining of the lack of appropriate provisions in the Right to Information Act, 2005 pertaining to appeals arising out of matters covered by the proviso to Section 7(1) of the Act, the immediate prayer is for the constitution of additional benches at the State level and the Central level Information Commissions to respond to Covid-related issues.

2. It is submitted on behalf of the State Information Commission that for nearly a year, a special sitting has been organised every Tuesday to deal exclusively with urgent matters and those covered by the proviso to Section 7(1) of the Act.

3. It may do well for the State and the Centre to consider whether, particularly during the present Covid crisis, benches of the State Information Commission and the Chief Information Commission can take up matters on the virtual mode upon indicating an e-filing system to deal with Covid-related matters at least for three or four hours a day.

4. At the same time, citizens should be careful in not diverting the attention of an employee from his main duties to attend to RTI queries only.

5. Since the State is represented, including the State Information Commission, the matter may be considered as expeditiously as possible and a decision communicated to the petitioner within a week from date. Appearing advocates will immediately communicate this order to the Central Information Commission, for such Central Information Commission to also consider the matter and communicate its decision to the petitioner within seven days of the receipt of a copy of this order. It will also be open to the petitioner to make an appropriate representation to the Union to introduce corresponding provisions to deal with urgent matters in the

appellate provision. No writ of mandamus can be issued to direct any legislation or even to incorporate an amendment.

6. W.P.Nos.11896 & 11897 of 2020 are disposed of. WMP Nos.14615 & 14616 of 2020 are closed. There will be no order as to costs.

Sd/-
Assistant Registrar (CS-VII)

//True copy//

Sub Assistant Registrar

kpl

To

1. The Secretary, Union of India,
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training)
North Block, New Delhi 110 001.
2. The Principal Secretary to the Government,
State of Tamil Nadu,
Personnel and Administrative Reforms Department
Secretariat, Chennai 600 009.
3. The Secretary
Central Information Commission
CIC Bhawan, Baba Gangnath Marg
Munirka, New Delhi 110 067.
4. The Secretary
Tamil Nadu Information Commission
No.2, Theagaraya Salai
Near Aalai Amman Koil, Teynampet
Chennai 600 018.

+1cc to Mr.G.R,Associates, Advocate SR.No.26093

+1cc to Government Pleader SR.No.26031

W.P.Nos.11896 & 11897 of 2020

LN(CO)
GMY(18/06/2021)