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

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Date of Decision: 02.07.2025

% **W.P.(C) 8830/2025**

ADITYA CHAUHAN & ANR.

.....Petitioner

Through: Mr. Hemant Jain, Mr. Aditya Chauhan, Mr. Arjun Choudhary and Mr. Arnab Singh, petitioners in person.

versus

UNION OF INDIA & ANR.

.....Respondent

Through: Mr. Amit Tiwari, CGSC with Mr. Shivam Sachdeva, GP, Ms. Ayushi Srivastava and Mr. Ayush Tanwar, Advs.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

DEVENDRA KUMAR UPADHYAYA, C.J. (ORAL)

1. Heard the petitioners who appear in person and Mr. Amit Tiwari, CGSC representing the respondent Nos. 1 and 2.
2. This public interest litigation petition raises concern in respect of information being provided by the Public Information Officers (PIOs) and other authorities under the Right to Information Act, 2005 (hereinafter referred to as the '2005 Act') in modern electronic forms/ modes such as email and pen drives.
3. It has been stated on behalf of the petitioners that though the 2005 Act contains adequate provisions conferring right to seek information in electronic modes as well, however, it has been observed that the PIOs and other authorities are not providing the said information in present day by the frequently used electronic modes such as emails and pen drives.



4. It has further been stated that the Right to Information Rules, 2012 (hereinafter referred to as the '2012 Rules') framed under Section 27 of the 2005 Act lack the requisite framework so as to ensure that information sought under the 2005 Act is provided by the PIOs and other authorities in the modern electronic forms/ modes.

5. In light of these averments a direction has been sought to be issued to the authority concerned to evolve a proper mechanism so that information under the 2005 Act is provided in all possible electronic modes, including emails and pen drives.

6. Learned counsel representing the respondents has very fairly drawn our attention to the definition of the term 'Right to Information' occurring in Section 2(j) of the 2005 Act and has submitted that Right to Information includes right to obtain information not only in the form of diskettes, floppies, tapes, video cassettes but also in any other electronic mode or through printouts where such information is stored in a computer or in any other device.

7. Section 2(j) of the 2005 Act is extracted hereinbelow:

"2. Definitions.—In this Act, unless the context otherwise requires,—

X X X

(j) "right to information" means the right to information accessible under this Act which is held by or under the control of any public authority and includes the right to—

- (i) inspection of work, documents, records;*
- (ii) taking notes, extracts or certified copies of documents or records;*
- (iii) taking certified samples of material;*
- (iv) obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is*



stored in a computer or in any other device;”

8. When we peruse Clause (iv) of Sub Section (j) of Section 2 of 2005 Act, what we find is that the said provision defines Right to Information and includes the right to obtain information in other ‘electronic mode’ as well.

9. Section 4(4) of 2005 Act is also relevant to be noticed for appropriately appreciating the concern raised by the petitioners in this PIL petition. The said provision provides that all materials shall be disseminated taking into consideration various aspects, including ‘the most effective method of communication’. It further provides that the information should be easily accessible, to the extent possible in electronic form and that shall be made available free or at such cost of the medium as may be prescribed. Section 4(4) runs as under:

“4. Obligations of public authorities.

x

x

x

(4) All materials shall be disseminated taking into consideration the cost effectiveness, local language and the most effective method of communication in that local area and the information should be easily accessible, to the extent possible in electronic format with the Central Public Information Officer or State Public Information Officer, as the case may be, available free or at such cost of the medium or the print cost price as may be prescribed.

Explanation.—For the purposes of sub-sections (3) and (4), "disseminated" means making known or communicated the information to the public through notice boards, newspapers, public announcements, media broadcasts, the internet or any other means, including inspection of offices of any public authority. ”

10. Our attention has also been drawn to Section 7(9) of the 2005 Act



which contains a provision stating that information shall ordinarily be provided in the form in which it is sought unless it would disproportionately divert the resources of the public authority or would be detrimental to the safety or preservation of the record in question. Section 7(9) of the 2005 Act is extracted hereinbelow:

“7. Disposal of request.—

X X X

(9)An information shall ordinarily be provided in the form in which it is sought unless it would disproportionately divert the resources of the public authority or would be detrimental to the safety or preservation of the record in question. ”

11. Thus, a conjoint reading of Section 2(j)(iv), Section 4(4) and Section 7(9) of 2005 Act goes on to establish that any information sought under the 2005 Act has to be provided in all possible electronic modes, including email and pen drive. However, such right under the Act has been conferred with the caveat, according to which, information shall be provided in the form in which it is sought, provided it would not disproportionately divert the resources of the public authority or if it is detrimental to the safety or preservation of the record in question.

12. Sub Section (9) of Section 7 provides adequate protection to the record and does not permit dissemination of information by the PIOs and other authorities under the 2005 Act in the form in which it is sought, if it is detrimental to the safety or preservation of the records in question.

13. From the aforesaid discussion we are convinced that ordinarily the information sought under the 2005 Act should be provided to the information seeker in the mode in which it is sought, subject, however to certain conditions as can be found in Sub-Section (4) of Section 4 of the



2005 Act.

14. When we peruse the 2012 Rules, what we find is that the said Rules do not address a situation where information under the 2005 Act is sought in a particular mode such as email or a pen drive.

15. Accordingly, we are of the opinion that adequate framework may be put in place to make the information seeker realize the true purport of the rights under the 2005 Act.

16. Accordingly, we dispose of this petition with a direction to the appropriate authority of the Government of India to consider the aforesaid aspects and take appropriate measures by issuing directions or framing rules or otherwise by any other legally permissible means to ensure that information as sought under the Right to Information Act is provided to the information seeker in the modes in which he intends to obtain the information with adequate safety measures as enumerated in Section 4(4) and Section 7(9) of the 2005 Act. The consideration of the issue raised in this PIL and decision thereon shall be taken by the competent authority in the Government of India within a period of 3 months from today. We request the learned counsel representing the respondents to communicate this order to the competent authority of the Government of India forthwith.

17. The present petition is disposed of accordingly.

DEVENDRA KUMAR UPADHYAYA, CJ

TUSHAR RAO GEDELA , J

JULY 02, 2025/ N.Khanna