

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/WRIT PETITION (PIL) NO. 83 of 2023**

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RTI EKTA MANCH THROUGH CONVENOR PANKAJ PRAMODRAY BHATT
Versus
GUJARAT INFORMATION COMMISSION STATE OF GUJARAT, THROUGH
REGISTRAR

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Appearance:

MR AJ YAGNIK(1372) for the Applicant(s) No. 1,2,3,4,5,6
for the Opponent(s) No. 1,2,3,4,5,6

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**CORAM: HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA
AGARWAL
and
HONOURABLE MR. JUSTICE J. C. DOSHI**

Date : 03/08/2023

ORAL ORDER

(PER : HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA AGARWAL)

1. The petitioners herein are raising a grievance with regard to working of Gujarat Information Commission, which is a State Information Commission constituted under the Right to Information Act, 2005.

2. The grievances raised herein are that the Gujarat Information Commission is constituted of one Chief Information Commissioner and four Information Commissioners, who are conducting hearing in the matters pertaining to the Act, 2005, however, none of the Chief Commissioner or the Information

Commissioners are sitting in open Court, meant for hearing, to conduct hearing in the matters and are insisting to conduct proceedings in their Chambers. The dispensation of matters in the normal working Court hours are not being made as the Commissioners are not sitting during the entire prescribed Court working hours to conduct hearing. It is further submitted that though the Gujarat Information Commission has become paperless, inasmuch as, all proceedings are being conducted on-line, but the lawyers, the complainants, and other persons participating in the proceeding are not permitted to use laptops, iPads, i.e. the gadgets to work through e-mode. Rather they are forced to bring papers pertaining to the matter.

3. The submission is that the Central Information Commission constituted under the Right to Information Act, 2005, has no supervisory control over the State Information Commission and hence, the petitioners are remediless. The only remedy available to the writ petitioners is to approach this Court invoking jurisdiction under Article 226 of the Constitution of India.

4. Taking note of the above grievances of the petitioners herein as agitated by the learned counsel appearing on their behalf, we find that the grievances of the petitioners are in relation to the working of Gujarat Information Commission. The State Chief Information Commissioner exercises powers of general superintendence, direction and management of the affairs of the State Information Commission, as prescribed in Sub-section (4) of Section 15 of the Right to Information Act, 2005. Apart from the above, no other issues have been raised before us. The grievances of the petitioners, thus, essentially fall within the jurisdiction of the State Chief Information Commissioner.

5. We, therefore, relegate the petitioners to approach the State Chief Information Commissioner by writing a proper representation raising all their grievances, inasmuch as, the issues raised in the representation enclosed along with the writ petition are not comprehensive.

6. On such representation being filed within a period of two weeks' from today, appropriate measures/actions/decision be taken by the State Chief Information Commissioner to address the grievances of the petitioners herein by passing a reasoned and speaking order in accordance with law, within the shortest possible time. Two representatives of the petitioners shall be entitled to participate in the proceedings to be conducted by the State Chief Information Commissioner.

7. The present petition is accordingly, disposed of. Direct service is permitted.

(SUNITA AGARWAL, CJ)

(J. C. DOSHI, J)

GAURAV J THAKER