

CHIEF INFORMATION COMMISSIONER

v.

HIGH COURT OF GUJARAT AND ANOTHER.

(Civil Appeal Nos.1966-1967 of 2020)

MARCH 04, 2020

[R. BANUMATHI, A. S. BOPANNA

AND HRISHIKESH ROY, JJ.]

Right to Information Act, 2005 – s. 19 – Gujarat High Court Rules, 1993 – rr. 149 dagi 154 faoba – Case asida ngakthokliba mi (respondent No.2) na case kharaga mari leinaba che-chang sing amasung che-chang sing adu officer na achumbani haina khutyek piraba (certified copies) pibinabagidamak RTI Act ki makhada darkhast (application) ama tharakkhi – Gujarat High Court ki Public Information Officer na respondent No. 2 da mahakti (respondent No.2 di) case adu thengnariba kangbu anigi marakta amasu natte, atoppa kangbu (third party) oibana, Gujarat High Court ki Rules r. 151 gi matung inna mahakna pamliba che-chang sing adu louge hairabadi mahakna karigidamak che-chang sing adu pammibano amasung madu karida sijinnagani haibagi maram piraga masana masagi khutyek piba (affidavit) ama tharaga r. 149 dagi 154 gi manungda yaoriba niyam gi makhada louba/fangba yagani haina khanghankhi – Wafam asimak Appellate Authority Registrar Administration nasu achumbani haikhi – Respondent No. 2 na tourakpa anisuba appeal da Appellate-Chief Information Commissioner na Gujarat High Court ki Public Information Officer bu Respondent No. 2 na piyu haina talliba (information) paochak sing adu pikho haina hairakkhi – Pirakliba yathang (order) adu shingnaraduna, Respondent No. 1 (Gujarat High Court) na Gujarat High Court ta darkhast ama thajinkhi – High Court ki Vicharpati (Judge) amakhana case adu famlaga Respondent No. 1 bu Respondent No. 2 na pammiba paochak sing adu pikho haibagi rai pikhi – Adum oinamak, niti-niyamna pullaga chatthariba akhannaba lam amada niyam sing adugi wangmada tounabagi sakti pidana anouba niti-niyam ama sembagi mathou tade amasung maduna chammamnaba pokhangani hairaduna Gujarat High Court ki Division Bench na Chief Information Commissioner gi yathang adu nakanda theidoktuna thamkhi – Asumna Respondent No. 2 na mahakna pammiba paochak sing adu karigi pammibano amasung karida sijinnagadabano haina pallaga darkhast tharabadi fangba yagani haina khanghankhi amasung madugidamak RTI Act ki makhada darkhast tharoidabani – Appeal adugi rai: Gujarat High Court ki Rules na paochak ki record sing natraga certified copies pibada athingba amata thamde – Gujarat High Court ki Rules R 151 na hairibadi case amagi party nattaba mioi haibadi ahumsuba kangbu (third party) amana case adugi mari leinaba paochak piyu haina che tharakpa matamda mioi aduna mahakna paochak adu pambagi maram amasung madu kadaida sijinnagani haiba khanghallakkadabani haibani, masida RTI Act ka masiga karisu yetnaba leite, masidi icham chamna paochak louba amasung pibagi amasung fee pibagi mawong asinachingbada khajik khennabani – RTI Act amasung atei atoppa ainsing gi marakta chanadaba/yetnadaba leitrabadi RTI Act na atei ainbu namhatlaga RTI Act oina chatnabagi fibam (overriving effect) adu masidadi chatnaroi - Wayelshang da leiriba paochak khudingmak High Court ki Rules amagi makhada fanghanbana RTI Act sijinnaduna paochak tandrabasu yare – Division Bench ki warep asi sougatle.

Court na tourakliba Appeal sing loukhidaba (dismiss toubu)

Rai: 1. Gujarat High Court Rules, 1993 gi R 151da case amada ahumsuba kangbu (third party) na case adugi paochak louge hairabadi mahakna paochak adu karigi pamlibano amasung kari hiramda sijinnagani haibagi maram piduna affidavit ama tharaga louba yagani haina palli. Asumna, wayel shangda thamliba paochak khudingmak case amagi ahumsuba kangbuna louge haibada athingba amata leite. Paochak adu louba yaroi natraga piroi haiba leite, chumnagi loubagi mawong adu

khajiktang khennabagi wani haibadi darkhast thaba matamda lougadouriba paochak adu karigi pambano amasung kadaida sijinnagani haiba adukhaktang pallaku haibani. Ahumsuba kangbu (third party) na paochak tanba matamda paochak adu pambagi maram amasung kadaida sijinnagani haibagi maram piyu haibagi maramdi paochak adu niyam chumna sijinnadouriba natraga miyamgi yaifanaba hiramda sijinnadouriba haiba khangnabani. Paochak sing asi case thengnariba mioi (litigant) singgi achumba wayel fanghannabagi High Court na Trustee oina thambani. Asigumba paochak sing asi ahumsuba kangbuda pithokpagi natraga khanghanbagi ayaba asi pide. Maramdi masina court ki thabak thouwong singda akaiba pirakkani amasung paochak sing sara sanna sandokkhiduna thingba ngambagi wangmada youkhibasu yai. High Court na article 225 ki makhada paochak sing fanghannabagi akhannaba lambi ama pirabadi madu ingadabani amasung yokkhatkadabani. Hairiba pambei/lambi adu hundokloidabani natraga sadharon gi oiba ain – RTI Act semle haiduna chatnadaba touroidabani. [Para 27][482-H; 483-A-D]

2. RTI Act ki pandam dasu loishang sing gi yaifanaba hotnaba (protect institutional interest), lan khajiktang kairaga kanaba kham thengna lounaba hotnaba amasung aruba paochak singgi aron-athup leihangadaba asinachingbasu palli. High Court ki Rules makhada paochak amasung madugi certified copy fangnabagi lambi asi yamna luba amasung jhanja chaoba oide, icham chammi – darkhast natraga affidavit amada paochak adu pambagi maram amasung pifam thokpa court ki fee piraga adum fangba yai. High Court na wayel shangda thamliba paochak sing asi kanagumbasing gi case thengnakhibagi lannaigi oiba title cases amasung family court matter nachingba paochak nagtani (personal information). RTI Act ki namada asigumba paochak sing louthoklaga court pu lanna sijinnaba amasung paochak sing asibu lanna sijinnaba touroidabani. [Para 28][483-E-F]

3. India gi Constitution gi article 227 gi makhada High Court na makha thaba court/Tribunal singdagi loukhatlakpa che-chang mayam marakta Income Tax Appellate Tribunal na pirakpa sing asidi kanagumbagi atoppada khanghanbada nungairoidaba Income Tax Return gi akuppa marol kaya yaoui. **Girish Ramchandra Deshpande v. Central Information Commissioner and Others (2013) 1 SSC 212**, gi case ta toukhibagumna kanagumba amana mahakki lanai oiba Income Tax Return gi akuppa che-chang sing fongdokpa asidi leibakki oiba wafam laklaba natraga miyamgi yaifanaba thourangda yamna maru oibamak natrabadi pithoktrabasu yai. Asigumba paochak ama ahumsuba kangbuna piyu haina tallakpa matamda High Court na paochak adugi sijinnafam amasung maram pigadabani haiba wafam asi, paochak adu piroi haiba natabana, RTI Act ka yetnaba lei haina louroi, aduna RTI Act ki section 8 ta yaoriba adu chatnagani. [Para 29][483-G-H; 484-A-B]

4. Court asina Delhi High Court ki **The Registrar, Supreme Court of India v. RS Misra (2017) 244 DLT 179** gi case ta loukhiba warep adu mapung fana sougatli. Darkhast/affidavit ama tharaga High Court na paochak/certified copy sing pinabagi lambi ama piduna thamlabadi maduda RTI Act sijinnarubagi mathou tadre. [Para 32][486-E]

5. RTI Act ki Section 4 gi Sub-section (2) na hairibadi RTI Act asi yarimakhei sijinnadanaba miyamda paochak khudingmak youhannaba pandamda, kananasu hairakpa toudana, masana khangna (suo moto) Leibakki maru oiba Thoupuba (public authority) singna internet nachingba makhal kayagi pao faonaba yaba lambisingda hek ngamba makhei paochak sing asi khanghanabagi thabak toui. Paogi Yug (Information Regime) asidadi asumna masana khangna miyamgi maru oiba thoupuriba miosing (public authority) na makhoina karamna thabak touri haina paochak kaya miyamda marak marakta fongdokpa asi yamna tangai fadaba machak amani. High Court singna pirakpa wayelsing (judgements) amasung yathangsing (orders) adu houjikti Website ta thagatlaga thamle amasung kanagumba yengningba khangningba mi amana hekta Website aduda changduna yengba yare. Asumaina toudana, panduna leiriba natraga chatthariba case amagi India gi Constitution gi section 235 gi makhada High Court singna takhiba rai sing haibadi makha taba court singna fam hongdok hongjin (transfer) gi, fam haptok-hapchin (posting) gi amadi famkaba

(promotion) gi wafam sing kayasu miyamna khangnaba website ta thagattuna thamle. Case soknariba mioising (litigant) sing gi case adugi matangda thamgadaba aron-athup singbusu ngaknaba High Court na ahumsuba kangbuna paochak piyu tallaklabadi kari maramgi tallibano amasung karida sijinnagadabno haina hangi maramdi asigumba darkhast asina paochak singbu lanna sijinnakhibata nattana thingba ngambagi wangmada sara sanna sandokkhibasu yai. [Para 33][486-F-H; 487-A-B]

6. RTI Act ki section 31 na semdoklibasi supnadagi Freedom of Information Act, 2002 khaktani, atei ainsingdi semdokte. Karigumba ain semliba mioi (legislature) sing aduna paochak lounaba darkhastkari (applicant) sing aduda paochak pibaga mari leinana atei aisingbu nattraga niyam singbu semdokpa pamlamlabadi RTI Act tasu asumna mayek sengna pallamgadabani. Asigumba niti niyam amata pallamdabana RTI Act ki niti niyam singdasu legislature singna touhanningdaba sing adu eikhoina lanna artha halooidabani. RTI Act ta Freedom of Information Act, 2002 nattana atei High Court sing na semkhiba niti niyam sing amata atamnana panba leite. [Para 37][488-E-F]

7. Gujarat High Court ki Rules matung inna kanagumba ahumsuba kangbu amana case amagi che-changsing adu louge haiba tarabadi masana khutyek piraga affidavit amada mahakna paochak adu louningbagi maram amasung sijinnafam adu panduna thagadabani. Gujarat High Court ki Rules asi RTI Act ta piriba niti niyam sing aduga yetnaba leite. Gujarat High Court ki Rules na paochak/paochak adugi certified copy pibada athingba pide. Khennariba haibabu darkhast thaba matamda affidavit ama toubu amasung court ki pifam thokpa fee adu piba khaktani. Animakta yaoriba niti niyam sing asi yetnaba amafaoba leite. Maram aduna RTI Act na Gujarat High Court ki Rules pu namhatpa (override effect) gi mathou tade. [Para 38] [488-G-H; 489-A]

8. Court na waroisin asi asumna samjille:

(i) Gujarat High Court ki Rule 151 na ahumsuba kangbu amana paochak louge hairabadi affidavit amada paochak adu loubagi maram piyu haibasi da RTI Act ki niti niyam singga karisu chayetnaba leite. Masidi icham chamna paochak adu loubagi amasung fee pibagi mawongda khajiktang khennabani. RTI Act ki niti niyam sing asiga atei aingi niti niyam singga yetnaba leitrabadi RTI Act na atoppa ain adubu namhatpa adu masidadi chatnaroi.

(ii) Wayelshangda thamliba paochak singbu kanagumbana pamlakpa matamda madu fanghannabagi lambi ama High Court ki semduna thamlabadi RTI Act sijinnaduna paochak adu tallooidabani. [Para 43][490-F-H; 491-A-B]

Central Public Information Officer, Supreme Court of India v. Subhash Chandra Agrawal 2019 (16) SCALE 40; Institute of Companies Secretaries of India v. Paras Jain (2019) SCC Online SC 764; Girish Ramchandra Deshpande v. Central Information Commissioner & Ors. (2013) 1 SCC 212 : [2012] 8 SCR 1097 – referred to.

The Registrar, Supreme Court of India v. R S Misra (2017) 244 DLT 179 – approved.

State Public Information Officer and Deputy Registrar (Establishment) v. Karnataka Information Commission and Another (W.P. No.26763 of 2013 dated 09.01.2019) – referred to.

Institute of Chartered Accountants of India v. Shaunak
H. Satya & Ors. (2011) 8 SCC 781 : [2011] 14 SCR
328; R. S. Raghunath v. State of Karnataka (1992) 1
SCC 335 : [1991] 1 Suppl. SCR 387 – relied on.

Case Law Reference

2019 (16) SCALE 40	referred to	Para 9
[2012] 8 SCR 1097	referred to	Para 29
[2011] 14 SCR 328	relied on	Para 30
[1991] 1 Suppl. SCR 387	relied on	Para 36

CIVIL APPELLATE JURISDICTION: Civil Appeal Nos. 1966-
1967 of 2020

Gujarat High Court na Ahmedabad ta Letters Patent Appeal No. 1348 of 2013, Special Civil Application No. 7880 of 2013 gi tang 13.03.2013 da takhiba wayel yathangdagi:

A.N.S. Nadkarni, ASG (A.C.).

Soknariba kangbusing gi Advs. Pritesh Kapoor, Sr. Adv., Salvador S. Rebello, Ms. Suhasini Sen, Ms. A. Raul, Neeleshwar Pavani, Ms. Riya Soni, Ms. Akansha Jain, Ms. Shivikka Agarwal, Arvind Kumar Sharma, Kabir Hathi, Ms. Shikha Sandhu, Ms. Sadhana Sandhu, Ms. Jesal Wahi, Aniruddha P. Mayee, A. Rajarajan, Sanjeev Kr. Choudhary, Prashant Bhushan, Pranav Sachdeva, Ms. Neha Rathi, Jatin Bhardwaj, Rahul Gupta, M/s.Alice Raj.

Court ki Rai asina R. Banumathi, J. na tabani.

1. Ayaba pire.(Leave granted)
2. Appeal asi High Court tagi kanagumba ahumsuba kangbu (third party) na paochak lounaba che thabada High Court na masigidamak semliba niti niyam sing adu kallaga/sijinnadana Right to Information Act ki miti niyam sing sijinnaraga fangba yabra haibagi matangni.
3. Appeal asi tharakpagi maru oiba asamba waroldi:

Tang 05.04. 2010 da Respondent No. 2 na Civil Application No.5517 of 2003 amasung Civil Application No.8072 of 1989 ga mari leinana case sing asigi mari leinaba che-chang sing amsung che-chang sing adugi certified copy sing pibinaba RTI gi darkhast ama tharakkhi. Madugi paokhum oina, tang 29.04.2010 da Gujarat High Court ki Public Information Officer na respondent No. 2 da mahakna pammiba che-changsing adu louge hairabadi mahak masana hakthengnana nattraga mahakki ukilgi khutthagda court ki pifam thokpa fee Rs. 3 gi stamp ama naptuna darkhast ama “Deputy Registrar” da thagadabani haiba khanghankhi. Respondent No. 2 bu masimasu makha tana

khanghankhi madudi mahakti (Respondent No. 2) case adugi ahumsaba kangbu (third party) oibana asigumba paochak asi louningbagi maram amasung karida sijinnagadabano haibagi maram takpa affidavit amasu darkhast aduga loinahallaklabadi mahakki pammiba che-chang sing adu Gujarat High Court ki Rules 1993 gi Rules 149 dagi 154 gi manungda piriba niti niyam sing adugi matung inna fangba yagani haikhi.

4. Respondent No. 2 na masida warouduna Appeal No. 84 of 2010 amamuk Appellate Authority-Registrar Administration da Right to Information Act, 2005 (asambida RTI Act) ki section 19 gi makhada thakhi. Appeal adu tang 04.08.2010 da takhiba rai amana chatnahankhide maramadi talliba che-chang sing adu fanghannabagi lambi ama hanna Gujarat High Court ki Rules 1993 makhada semduna leire amasung aduna RTI Act ki niti niyam makhada asigumba che-changsing asi pifam thokte.
5. Asumna Respondent No. 2 na Appellant-Chief Information Commissioner da anisuba Appeal No. 1437 of 2010-11 asi thakhi amasung Respondent No. 1 (High Court) pu paokhum piraknaba khanghankhi. Respondent No. 1 na Gujarat High Court ki Rules 149 dagi 154 faobada yaoriba niti niyam gi matung inna kanagumba amana paochak/certified copy pamlabadi karigidamak paochak adu pammibano amasung madu kadaida sijinnagani haiba wafam panduna affidavit ama tharaga amasung court ki pifam thokpa stamp fee naplaga tharklabadi fangba yagani haiba wafamsing adu amuk nouna panduna paokhum pikhi. Tang 02.07.2010 da Gujarat High Court ki Decree Department (CC section) gi Deputy Registrar na Respondent No. 2 da paochak sing High Court tagi matou karamna loughani haiba takpa chitthi ama pikhrabasu madu sijinaduna darkhast tharakkhide amasung Public Information Officer bu High Court ki Rules thugaiduna paochak sing adu pihanba yadabanina Chief Information Commissioner (CIC) gida tharakliba appeal adu kakpa (dismiss) tabani. Appellate-Chief Information Commissioner na mahakki tang 04.04.2013 da takhiba rai adugi matung inna RTI Act ki section 6(2) amasung 22 da thajaba thamduna Gujarat High Court ki Public Information Officer respondent No. 2 na talliba paochak khudingmak numit 20 gi manungda pikho haikhibani.
6. Chief Information Commissioner gi rai adu shingnaraduna Respondent No. 1 (High Court) na High Court ta Special Civil Application No.7880 of 2013 asi file toukhi. Learned Single Judge amana wakat (petition) adu loukhi amasung tang 11.10. 2013 da Respondent No. 1 bu respondent No. 2 da mahakna pamliba paochak sing adu chayol 4 gi manungda pigadabani haiba marakki rai ama takhi.

Learned Single Judge na appellant da pikhiba paotak adugi achum aran amadi chatnaba yaba yadabasing amasung Respondent No. 2 na pammiba paochak sing RTI Act ki makhada fangfam thokpa adu case asigi aroiba mifam (hearing) da khannagani haina rai takhi. Adubu masimadi mayek sengna thamkhi madudi Respondent No. 1 na paochak sing pikhre haiduna RTI Act asi High Court ta chatnaba yabagi ayaba pibadi natte.

7. Marakki wayel asida warouduna Respondent No. 1(High Court) na Letters Patent Appeal No.1348 of 2013 asi Division Bench amada oina pukhattuna amasung kanagumba amana paochak tanba matamda Gujarat High Court ki Rules 149 dagi 154 faobada yaoriba niti niyam sing asigi makhada copy sindokmal piraga amadi court ki stamp fee naptuna darkhast ama tharaga loubu yai haibasi pukhattuna khannaningkhi. Rules ki matung inna, paochak/certified copy asi talliba mioi adu case thengnariba nakan anigi mi natrabadi haibadi ahumsaba kangbu (third party) oirabadi darkhast thaba

matamda karigi paochak adu pammibano amasung madu kadaida sijinnanabano haiba wafam yaoba affidavit amasu loinarakkadabani. Shingnariba rai adu yengbiyu, High Court na Letters Patent Appeal asi niti-niyamna pullaga chatthariba akhannaba lam amada niyam sing adugi wangmada tounabagi sakti pidana anouba niti-niyam ama sembagi mathou tade amasung maduna chammamnaba pokhangani hairaduna ayaba pikhibani. High Court ki Rules ki matung inna High Court na niyamgi matung inna paochak amadi certified copy pibada pifam thokpa fee pihanbada amasung darkhastkari (applicant) Respondent No. 2 bu kari maramgi paochak adu pammibano hangba wahang asi mathou tai haina High Court na loui amasung masida RTI Act ki makhada darkhast thabagi mathou tade. Kanagumba amana che ama tallkapa matamda hiram aduga mari leinana High Court ki Rules matung inna piba tai haina hairaduna Division Bench na Chief Information Commissioner gi rai adu nakanda theidoktuna thamle.

8. Khannariba wafam asi High Court singga mari leinaba oibana amasung wafam asi maru oiba wafam oibana, eikhoina Mr. Atmaram N.S. Nadkarni amasung learned Additional Solicitor General (ASG) anibu Tengbang mi (amicus curiae) oina khannabada saruk yabiduna court pu mateng pangbiyu haijarubada harao haraona yabirakle. Mr. Nadkarni na High Court pumnamaktagi che-chang pumnamak khomjinduna pubirakle amasung tongan tonganba High Court sing na India gi Constitution gi article 225 ki amasung RTI Act ki section 28 ki makhada Rules semduna karamna chalaibage haibagi maramda khomjillakliba mayam adu mahakna pullap puthokpire.
9. Appellant ki learned Senior Counsel Mr. Prateesh Kapoor na haikhi madudi RTI Act ki section 6(2) na akhannana darkhastkari amabu paochak lounaba darkhast thaba matamda mahakna paochak adu karigi pammibano amasung karida sijinnagani haiba taktrabasu yai hairabasu Gujarat High Court ki Rules na kanagumba ahumsaba kangbu amana che adu tanba oirabadi darkhastkari aduna karigidamak che adu pammibano amasung madu karida sijinnagani haibasi fongdokhanduna che thahalli amasung masida RTI Act ki niti niyam singga Gujarat High Court ki Rules, 1993 gi niti niyam singga taseng tasengna yanadaba yetnaba aduni haikhi. RTI Act amasung Gujarat High Court ki Rules anigi niti niyamsinggi marakta yetnariba asi yasinnaba purakpa asi oithokloi amasung karigumbada RTI Act ki niti niyamga atei atoppa aingi niti niyam singga yetnaba thoklabadi, Parliament natraga State ki ain semba singna natraga atoppa authority amanabu semba oirabsu, RTI Act ki niti niyam singna atei niti niyam sing adugi mathakta leigani haina haikhi. RTI Act ki section 22 na akhannana khudakki oiba atei ainsingbu namhatpa ngambagi sakti (overruling effect) piri hainasu haikhi. Learned Senior Counsel na haikhi madudi High Court na India gi Constitution gi article 225 ki makhada niti niyam kaya chalainaba semmi amasung semmiba ainsing adu RTI Act ki atoppa ainbu namhatpa ngamba (non-obstante clause) sakti na namhatpa ngammisu haikhi. Puthoknakhiba mayam adugi marakta Learned Senior Counsel na ikui kuidringeida takhiba Central Public Information Officer, Supreme Court of India v. Subhash Chandra Agrawal 2019 (16) SCALE 40 gi case asigi wayel da thajaba thamkhi.
10. Case thengnariba nakan anigi mioi nattaba Intervenor singgi mahut silliba Learned Senior Counsel Mr. Prashant Bhushan na haikhi madudi kanagumba amana High Court ta RTI Act ki niti niyam sijinnaduna paochak ama tanbada case soknariba mioi singgi lanai aron athupta amasung wayel leingakta kaihangadaba leitabana paochak talliba mioi adu fanabagi maram leite. Senior Counsel Mr. Prateesh Kapoor na haikhibasing adu palladuna Mr. Prashant Bhushan na Gujarat High Court ki Rules 151 asi RTI Act ki

section 6(2) ga yemounei. Maram aduna RTI Act asina Gujarat High Court na natraga atei public authority na semmiba niti niyam sing asigi mathakta leifam thoki. RTI Act ki section 22 gi maramda sugaina hairaduna Learned Senior Counsel asina RTI Act asi miyamda pao khudingmak ningthina youhannaba amasung miyamgi thabak touriba public authority sing na thabak toubada aron athup leitana touhannabagi damak Parliament na semba sadharon oiba ainni amasung pao sing miyam da fanghanbagi matangda yetnaba laklabadi RTI Act asigi niti niyam singna atei aingi niti niyam singgi mathakta leigani. Mahakna piriba warol adubu sougatnaba Learned Counsel na **Institute of Companies Secretaries of India v. Paras Jain 2019 SCC Online SC 764** amasung **Subhash Chandra Agrawal** gi case ta Constitution Bench ki wayel aduda thajaba thamkhi.

11. Respondent No. 1 (High Court) ki mahut sinduna lepliba Learned Senior Counsel Mr. Aniruddha P. Mayee na haikhi madudi Gujarat High Court ki Rules 149 dagi 154 faobada yaoriba niti niyam sing asiga RTI Act ki niti niyam ga yetnaba leite amasung Gujarat High Court ki Rules 151 asi RTI Act ka chunari. Learned Counsel na Respondent No. 2 bu supnagi Gujarat High Court Rules, 1993 gi matung inna darkhast thabagi mawong adukhak khanghankhibani haikhi amasung Respondent No. 2 di case asigi ahumsaba kangbu (third party) oibana mahakna darkhast tharakpada mahakna karigi paochak sing adu pammibano haibagi maram takpa affidavit ama yaohallaku haiba khaktani. Learned Counsel na asimasu haikhi madudi Gujarat High Court na asigumba che-chang sing lounabagi damak RTI Act ka mannaba Gujarat High Court ki Rules 151 gi makhada fanghallbana RTI Act adu sijinnabagi mathou tadre amasung Appellate Chief Information Commissioner gi rai adu namhatle (quashed).
12. Learned amicus Mr. Nadkarni na mahakna High Court mayamdagi khomjillakpa niti niyam sembagi machak mayam adu mayam mangda thamduna neinakhi amasung India gi Constituion gi article 225 ki makhada High Court singna niti niyam mayam ama semi amasung niyam sing asina case ama thengnariba mioising da makhoigi case adugi che-chang pumnamak pifam thokpa fee thiraga fanghannabagi lambi ama semduna thammi haina haikhi. Loinana masisu haikhi madudi kanagumba case adugi ahumsaba kangbuna paochak louge hairabadi karigidamak paochak adu pammibano haibagi maram takpa affidavit ama loinaraklaga loubu yagani haiba niyamsu yaori. Miyamda paochak fanghannabagi matangda RTI Act ka Gujarat High Court ki Rules ka karisu khennaba leite. Learned Counsel na makha takhi madudi karigumbada RTI Act amasung atei atoppa ain anigi marakta yetnaba amasung mannadaba leirabadi RTI Act ki Section 22 na atei atoppa ain sing bu namhatpa yabagi sakti leirabasu, miyamda paochak fanghannabagi damak semliba ain singbudi RTI Act ki section 22 na namhatloidabani. Learned amicus na makha taraduna haikhi madudi High Court ta leiriba paochak mayam asi ahumsaba kangbu dasu fanghannaba pifam thokpa fee amasung paochak adugi sijinnafam takpa affidavit ama pisillaga loubu yagani haiba niyam ama hanna semmaga thamle. Amaromda, High Court ki Administrative ki oiba paochak sing adu lounabagi su High Court kayana High Court ki makhada amasung RTI Act ki makhada semmiba niti niyam mayam adugi makhada fangba yagani. Delhi High Court ta thengnakhiba **The Registrar, Supreme Court of India v. RS Misra (2017) 244 DLT 179** amasung Karnataka High Court ta thengnakhiba **Karnataka Information Commissioner v. State Public Information Officer and another WP(C) No.9418 of 2008** case sing asigi wayelda mayamgi pukningbu chingsilladuna Learned amicus na haikhi madudi High Court singnasu mannaba mityeng amada paochak sing asi miyamda fanghannabagi upai Supreme Court ki Rules 2013 amasung High Court ki Rules makhada semmi

amasung asigumba semkhraba niti niyam asigi makhada paochak lounaba che tharakpa matamda RTI Act sijinnaroi.

13. Eikhoina houjik khannariba wafam kaya asi munna khannare amasung mamangda takhiba shingnariba rai amasung maduga mari leinaba machak sing pumnamak yengsille. Appeal adu makhagi asumna khannanaba wafam sing asi thorakle:

- (i) Gujarat High Court ki Rules 1993, na kanagumba ahumsuba kangbu amana paochak lounaba che tharakpada lougadouriba che-chang sing adu loubagi maram takpa affidavit ama yaohangadabani haibasida RTI Act ta piriba niti niyam sing aduga yetnaba leibra?
- (ii) Paochak fanghannaba lambi ani leiba matamda – amana High Court ki Rules ki makhada amasung atoppa amana RTI Act ki makhada – High Court ki niti niyam asida RTI Act ka yetnaba leitrabadi RTI Act asi paochak tanbada sijinnagadra ?

14. Right to Information Act, 2005 ki section 2(f) na “information” haiba wahei asi asumna wahan (definition) piri:

2. Wahan (Definitions). – Act asida yaofam (context) gi matung inna hanba natrabadi asumna artha pugani, -

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(f) Paochak (information) haibasi mawong kaya thokna leiba machak sing haibadi records, che-changsing (documents), memo sing, e-mail sing, mot (opinion) sing, paotak (advice) sing, paocheda fongnaba piba warol (press release) sing, circular sing, rai (order) sing, hisab boi (logbook) sing, yanna-che (contract) sing, paodam (report) sing, papers, namuna (sample) sing, model, electronic data sing amasung lanaigi oiba paochak oiba yaba khudingmak adu Leibakki Thoupuba (public authority) na chatnariba ain gi makhada khangba yaba sing adubuni.

15. RTI Act ki section 2(h) na Leibakki Thoupuba (public authority) gi wahan piri. Leibakki Thoupuba (public authority) haiba wahei asigi artha RTI Act 2(h) ta yamna pak-chaona halli amasung makhagi asumna hanba yai:

2. Wahan (definition). - Act asida yaofam (context) gi matung inna hanba natrabadi asumna artha pugani, -

.....

(h) Leibakki Thoupuba (Public Authority) haibadi Thoupuba (authority), natraga lup (body) natraga leingakki Loishang (institution) ama hekta oiba yai, adubu makhoi adu

(a) Constitution na natraga masigi makhada semba oigadabani;

(b) Parliament ki makhada semba ain singgi makha ponna semba oigadabani;

(c) State ki ain sembasina semba aingi makhada semba oigadabani;

(d) Maram chana leingakna notification thoktuna natraga yathang touduna thokpa makhagi sing asigi manungda ama oigadabani:

(i) Lup adu leingakki mityeng khada leiba amasung leingakna selthumsu matik chana thadaba oigadabani,

(ii) Non-Government Organisation oirabasu leingakna hakthengnana nattraga nakoinana selthum matik chana thadaba oigadabani.

16. RTI Act ki section 2 (i) “record” haiba wahei asigi wahan pumnamakpu supchinduna (inclusive oina) piri. Section 2(j) na “right to information” bu sandokna takli. RTI Act ki Section 2(i) amasung 2(j) asi makhagi asumna wahan piba yai:

2. Wahan (definition). - Act asida yaofam (context) gi matung inna hanba nattrabadi asumna artha pugani, -

.....

(i) “Record” haibasi

- i. Ayiba che-chang (Document), khutna iba ayiba (manuscript) amasung khomjinba che-chang mayam (file) ama hekta oiba yai,
- ii. Microfilm, microfiche amasung che-chang (document) singgi mannaba ama hekta oiba yai,
- iii. Microfilm dagi chaokhathallaga nattrga mawong amada sindorakpa mami amasung mamisinggi saktam oiba yai,
- iv. Computer nattraga atoppa pambeina puthoklakpa machaksing buni.

(j) “right to information” haibasi Act asigi makhada Leibakki Thoupaba (public authority) singna thamba paochak sing adubu khangba yabagi piriba hak (right) aduni, haksing adu makhagi sing asigi maraktagi ama oiba yai,

- i. thabak subagi mawong, che-chang sing, amasung record sing yengsinbagi hak,
- ii. record ki nattraga che-chang singgi certified copy sing machet khara nattraga mapum oina sindokpa yabagi hak,
- iii. machak sing adugi manaba ama certified touraga loubagi hak,
- iv. paochak sing adu diskette, floppy, tape, video cassette oina nattraga atoppa electronic ki oiba pambeina nattraga computer nachingba atei pambeisingda yaoba machak sing adu namthoklaga loubagi hak adubuni.

17. RTI Act section 8(1) na paochak tallakpada pithokpa yadabagi maram piri. RTI Act asigi section 8(1) (a) dagi 8(1) (j) faobagi manungda paochak tanbagi haksing (right to information) pirabasu karamba paochakna pithokpa yaba amasung karambana yadaba haibagi matangda iri. RTI Act asigi Section 8 (1) da clause 10 yaori. Section 8 gi sub-section (1) gi clause (a) na leibak asigi ningtamba (sovereignty) da amasung apunbagi saktam (integrity) da kaihallakkadoubu leirabadi nattraga maduga mannaba fibamdadi paochak sing pithokloidabani hairi; clause (b) na court na oiro nattraga Tribunal nabu oiro fongdokpa sukya yade haiduna fongdokpada athingba thamba paochak sing nattraga madu haidokpa amasung fongdokpada court ki wa thawoidaba (contempt of court) chingdoubu paochak singgi matangda palli; clause (c) na Parliament nattraga State legislature gi ijat (privilege) sokpa yaba paochak singgi maramda iri; clause (d) na lalonitik amasung karbargi aron-athup ngakpaga amasung migi heisingba (intellectual property) gi maramda iri; clause (e) na kanagumba mioi amana atoppa mioi amagi damak fibam amagi makhada toukhiba thabakka mari leinana (fiduciary relationship) ki matung inna karigumbada Leibakki Thoupaba (public authority) na tangai fadana leibak miyamgidamak pidaba yade haiba nattragadi, pithokpa yadaba paochak singgi maramda iri; clause (f) na mapan leibakki lengaksingdagi aronba ngakkani haina lourakpa paochak sing miyamda pithokpa yade haibagi maramda iri; clause (g) na kanagumba mioi amagi punsi mangba yaba paochakti nattrga paochak aduna mioi amagi masak

takthokpa nattraga security gi nattraga ain ngakliba mioising (law enforcing agency) gi aronba ngakpagi oirabadi paochak adu miyamda pithoktaba yabagi maramda iri; clause (h) na ain kaiba thabak toubasingbu fabada nattraga makhoigi maralsing thijinbada nattraga makhoibu cheirak pinaba thourangbada apanba pigadaba leirabadi paochak adu piroidabani haina iri; clause (i) na mantri singna amasung maru oiba awangba thakki officer singna khannakhiba wasinggi che-changsing record sing asi akhannaba niyam amagi makhada nattrabadi piba yade haiba iri; clause (j) na miyamgi yaifanaba matang nattrabadi kanagumba amagi lanai oiba paochak singdi pithokloidabani hairi.

18. India gi Supreme Court ki **Central Public Information Officer v. Subhash Chandra Agrawal 2019(16) SCALE 40** gi case ta Central Information Commissioner na Supreme Court ki CPIO bu Supreme Court ki Hon'ble Judge singna takhiba rai singgi che-chang pumnamak puthoktuna utkadabani haiba paotak pikhiba adu Supreme Court na chummi haikhi. Constitution Bench nasu masi pithokpada Vicharpati singgi lanai oiba punsida karisu akaiba leiroy haikhi. RTI Act ki Section 8(1) (e) dadi "fiduciary relationship" ki niyam haibadi kanagumba mioi amana atoppa amagi yaifanaba toukhiba thabak amagi matangda ngakpa yaba aron-athup ki matangda chatnaroi haina hairi. Nakan ayamabagi mahut sinduna lepliba Learned Counsel na Supreme Court ta takhiba Subhash Chandra Agrawal case asigi rai asida thajaba thamkhi. Eikhoigi mangda tariba wafam asi High Court ki niti niyam singga RTI Act ki niti niyam singga mari leinaba oibana Learned Counsel na tongan tonganba mot makhal mayam ama puthorakpa asi eikhoina khannanaba houdoklaroi.
19. Article 124 asi Supreme Court ki leifam thokpa machak (constitution) sing amasung lingkhatlakpagi (establishment) maramda haibani. Article 124 asina India gi Supreme Court ta Chief Justice of India amasung atei Vicharapti (Judge) mayam leigani hairi. Supreme Court ki Constitution gi Article 145 ta Supreme Court na matam matam gi matung inna, President gi ayaba louraga wayel-shanggi thabak thouda (Practice and Procedure of Court) bu ayet-apan yaodana chatthaba yanabagi ain sing semmi. Hairiba article 145 asimakki makhada Supreme Court na Supreme Court Rules semmi. Supreme Court ki Rules Order XIII na certified copy pibagi, wayel yathanggi che-chang, atei che-changsing, decrees nattraga order sing, shakhi (witness) singna piba warolgi che-chang sing, asinachingba kaya asi case thengnariba nakan anigi mioising amasung case thengna yaodaba ahumsuba mioda karamna pigadage haiba wafam thammi. Supreme Court ki Rules matung inna case thengnariba nakan anigi oinadi maram chaba darkhast ama tharaga amasung pifam thokpa fee piraga certified copy pumnamak fangba yagani. Adubu, ahumsuba kangbugi oinadi Supreme Court ki Rules 2 Order XIII gi matung inna chatthariba nattraga loisinkhraba case, appeal amasung matter adugi kangbu (party) amata oidraba mioigidi paochak pinabagi tharakliba darkhast adu Supreme Court na maram chai haina khallabadi talliba che-chang sing adu fanghanbagi ayaba piri nattraga Supreme Court ki Rules 1 gi Order XIII da haiba matung inna fangba yagani hairi. Asumna, Supreme Court ki Rules nasu ahumsuba kangbu amana che-chang amasung rai singgi certified copy sing louge hairabadi mahakna madu fangbada maram chaba wafam pigadabani.
20. Article 216 asi High Court ki machak singgi maramda ibani. High Court khudingmakta India gi President na matam matamagi happa Chief Justice ama amsung atei Vicharpati (Judge) sing leigani. High Court ki Rules asi India gi Constitution gi article 225 gi makhada sembani. High Court ta thammiba paochak mayam asi gi certified copy sing amsung atei che-chang sing fanghanbagi mawongdi High Court na India gi Constitution

gi article 225 ki makhada semkhiba niti niyam sing adugi makhadani. RTI Act ka mari leinana, RTI Act asigi section 28 na piriba sakti na tongan tonganba High Court singna RTI Act ki makhada Rules kaya semmi amasung High Court ki Administrative makeida leiriba paochak singgi damaktadi High Court na RTI Act ki makhada semmiba Rules asigi makhada fangba yagani.

21. Houjik khannariba case asida eikhoina neinaribasi Gujarat High Court ki Rules singgi maramdani. Case thengnariba nakan anigi kangbuda amasung ahumsuba kangbuda paochak fanghanbagi thouwong asi Gujarat High Court ki Rules 149 dagi 154 faobada piri. Rules sing asigi matung inna case thengnariba mioi singgi di darkhast ama napfam thokpa court ki stamp fee naplaga thaduna fangba yagani amasung case aduda chennadaba atoppa ahumsuba kangbugi oiragadi Assitant Registrar gi ayaba yaodrabadi loubu yaro haibani. Gujarat High Court ki Rules 151 gi matung inna ahumsuba kangbuna che-chang sing natraga rai sing piyu tanbada lougadouriba paochak adu karigi mathou taribano haibagi maram piba affidavit ama yaona darkhast thaba tai. Rules 151 gi maroldi:

“151. Case thengnariba kangbu singgidi case ki che-changsing fanggani; ahumsuba kangbuna thaba darkhast ti affidavit ama loinarakkadabani. High Court ki civil natraga criminal case singgi che-changsing natraga rai singgi copy sing case thengnariba mioising natrabadi Assistant Registrar gi ayaba yaodana piroidabani. Ahumsuba kangbuna asigumba che-changsing amasung rai sing asigi copy loubu pamlabadi makhoina madu karigi pammibano haibagi maram yaoba affidavit amasu yaohallakkadabani, hairiba affidavit adu Union Government na natraga masigi mahut sinduna natraga State leingakna natraga mapan leibakki leingak ama hektana tharak oirabadi yaodrabasu yagani.”

22. Learned amicus na tongan tonganba high Court singdagi High Court sing asina paochak sing pibada chatnaba niti niyam mayam ama khomjinduna thambire. Tonganba High Court kayana semkhiba Rules matung inna case thengnariba mioisinggi oina paochak sing loubada court ki pifam thokpa stamp fee naptuna darkhast ama tharaga fangba yagani. Ahumsuba kangbugi oinadi High Court na semmiba Rules asigi matung inna ahumsuba kangbudadi paochak sing asi court na rai ama taraba natraga Registrar na paochak tanbagi maram adu chai haina louduna amasung madu maram chana sijinnagani haina khanduna ayaba piraba khaktada fangba yagani. Matang asida eikhoina Bombay, Gujarat, Himachal Pradesh, Karnataka, Madras amasung atei atoppa High Court singgi Rule singna paochak sing ahumsuba kangbuda manaba mawongda piba asi panba yai. Rule sing asina ahumsuba kangbuna wayel pukeida thammiba che-chamngsing, rai sing amasung makhoigi certified copy sing lounabagi che tharakpa matamda makhoina hairiba che-chang sing adu karigi darkar oibano haiba pallakkadabani amasung court ki stamp fee pifam thokpadu piraga thaba yagani hairi. Hanna mamangda haikhibagum Supreme Court ki niti niyam nasu ahumsuba kangbuda paochak singgi amasung masigi certified copy piba haibasi maram charaba khaktada pigani hairi. Masimadi khangjingadabani madudi court ki che-chang sing, rai sing, court famkhibagi che-chang sing amasung masigi certified copy sing ahumsuba kangbuna piyu haina hairakpada piroi haiba leite. High Court ki niti niyam singna hairibadi supnadagi ahumsuba kangbuna hairiba che-chang sing adu pamduna che tharakpa matamda kari maramgi che-chang sing adu darker oibano haiba takpa affidavit ama yaohallaku haibani. Guajarat High Court na semmiba Rules asiga RTI Act ki niti niyamaga chanari. India gi

Constitution gi article 225 ki makhada High Court asina chala riba Rules ka RTI Act ki niti niyamga chana daba yetnaba amata leite.

23. Appellant ki Learned Senior Counsel Mr. Prateesh Kapoor na RTI Act ki section 6(2) na tangai fadaba hak pumnamak piri haikhi amasung kanagumba mioi amana paochak sing lounabagi che thabada mahakna paochak adu pambagi maram takpaga mathou tade haikhi. Asigumba mahakki hak asibu India gi Constitution gi article 225 ki makhada semba niti niyam singna manghanba natraga fanghandaba chumde. Mahakki wafambu sougatladuna amasung High Court na India gi Constituion gi article 225 ki makhada semmiba niti niyam singna tangaifadaba hak singbu mutthatpa yaro hairaduna mahakna **Raj Kumar Yadav v. Samir Kumar Mahaseth and Others (2005) 3 SCC 601** gi case ki wayelda thajaba thamkhi. Learned Senior Counsel na makha tana haikhi madudi RTI Act ki section 22 na akhannana atei atoppa ain singbu matam kharagi oina namhatpa ngamba sakti piri. Maram asina RTI Act ki niti niyam singga atei atoppa Parliament na natraga State Legislature na natraga Leibakki Thoupaba (public authority) na semba niti niyam singga karigumba yetnaba yaorabadi RTI Act ki niti niyam sing adu chatnagani, maram asina High Court na semmiba niti niyam sing adugi mathakta RTI Act ki niti niyamsing leigani. Wafam asi Intervenor singgi makeida lepliba Learned Counsel Mr. Prashant Bhushan nasu sougatkhi.
24. Appelant ki Learned Senior Counsel amasung Mr. Prashant Bhushant na pukhatlakliba wafamsing khannanabagidamak tongan tonganba High Court singna thammiba che-chang sing asi kari karino haiba yengminnasi. Makhoising adu makhada piriba asumna makhal khaidokpa yai:-
- (a) High Court na thammiba che-chang asi case thengnariba nakan anigi mioisingna mana mana case adu mai paknaba machak oiba pisillakpa makhal kayagi che-changsingni,
 - (b) High Court singna takhiba case singgi rai sing, amasung case chattharingeida isil-kotsilhouba note singni,
 - (c) High Court singna magi magi mityengkha leiba makha-taba court sing natraga Tribunal singna khudam oina Income Tax Appellate Tribunal, Customs Excise and Tax Service Appellate Tribunal amadi atei atei singna pisillakpa che-changsingni,
 - (d) High Court ki administrative office ta leiriba thabak happagi, thabak mafam hongdok hongjingi, judicial officer singgi thabak mafam takpa che-changsing, judicial officer amasung staff singgi mathakta disciplinary action loukhatkhibagi che-changsing, amasung atei administration gi mari leinaba cha-changsingni,
 - (e) High Court ka Supreme Court ka, Leingak ka amasung atoppa district ki judiciary singga chatthok-chatsing tounaba che-changsing,
amasung
 - (f) High Court ki administrative office ta thammiba High Court ki judge sing happagi thabaksing pangthokliba collegium na Judge sing happagi matangda ikhiba (recommendation gi) che-changsingni.
25. Mathakki asida (a), (b) amasung (c) amasung atei judicial side ta leiba che-changsing amasung rai singgi certified copy sing High Court ki Rules ki makhada fangba yagani amasung case thengnariba kangbusingsu hairiba che-chang pumnamak asi fangbagi hak lei. Adubu, ahumsuba kangbu case asida thengnaba yaoba kangbu nattaba singgidi makhoida hainariba che-changsing adu pithokpaga hak pide. Ahumsuba kangbugidi High Court na semba Rules ki makhada che-changsing adu louge hairabadi che-changsing adu kari maramgi darkar oiribano haiba maram panduna darkhast/affidavit ama thaba tai. Administrative side ta leiriba che-changsinggi haibadi (d), (e) amasung (f) ki oina High

Court singna semba nattraga High Court na RTI Act ki makhada semba Rules ki makhada fangba yagani. High Court ki Chief Justice na thamba Judge singgi lanthum ga mari leinaba che-changsing pithokpaga matangdadi **Central Public Information Officer, Supreme Court of India v. Subhash Chandra Agrawal 2019 (16) SCALE 40** gi case ta Constitution Bench na pikhiba wayel adugi makha ponagani.

26. RTI Act ki wahoudokna hairi madudi Act asi sembagi maramdi “Leibakki Thoupuba (public authority) singna thabak toubada lonna thupna toudanaba amasung daitya leina touhannabani” Leingak amada senja-thumja leihandanaba amasung leingakki thoupuba singna daitya leina thabak touhanbada leibak praja miyamsu leingakna paikhatliba nattraga paikhatkadaba thabak thouram kayagi pao khudingmak khangba mathou tabana Act asi sembani. Act sigi wahoudokta leibak asi miyamgi mihutna khwaigi makok oina leingakpa (republic) prajatantra (democracy) chatpa leibakni haina constituiona piriba asina praja miyam khudingmak leibakki epao pumnamak khangba mioising oiba tai. Wahoudok asina utli madudi ain semlibasing aduna tungda Act asiga leingakna kharacha itou touhandana miyamgi yaifanaba touriba thabak thouram sing pangthokpa matamda amasung aruba lonna thupna thamgadaba che-changsing thamba matamda yetnaba kaya lakpa yai amasung adugumba yetnaba lakpada karamna watemnagani haibasi mangjounana uramgani. India gi nagarik amana Act asigi makhada akhannaba che-chang kharakhak nattana pumnamk tanbagi hak lei. Paochak/information tanba haibasi Act asigi wahoudaokta hairiba pao khudingmak manung mapan nairoidabani, mi khudingmakna chap mannana fanghangadabani haiba adu fangba ngamnaba lambini.
27. Gujarat High Court ki Rules 151 gi matung inna kanagumba ahumsuba kangbu (third party) na thengnariba civil nattraga criminal case amagi paochak sing louge hairabadi paochak adu pambagi maram takpa darkhast/affidavit ama thahalli. Asumna, Gujarat High Court ki niti niyamna thengnariba case amagi che-changsing tanbada nattraga judicial side ta thamba che-changsing tanbada athingba piba leite. Masi hai haidunasu darkhastkari (applicant) bu talliba che-changsing adu piroi haiba natte. Talliba che-changsing adu karida sijinnagani haiba adumatang affidavit amada fongdokhanba khaktni. Ahumsuba kangbuna paochaksing asi tanbada court na mahakna paochak adu pambagi maram hanglibasi mahakna paochak adu niyam chumna sijinnadouriba nattraga miyamgi yaifanaba lambida sijinnadouriba khangdoknabani. Paochaksing asi High Court na case thengnariba mioisinggi Trustee ama oina achumba wayel fanghanbada mateng oinaba thambani. Asigumba lanai miosinggi case singgi che-changsing nattraga leingakna pirakpa paochak sing asi atoppa ahumsuba kangbunadi fangfam thokte. Natrabadi court ki thabak thouwong kayabu lanna sijinnarakpa yaba amasung paochak sing asi thingba ngambagi wangmada sara sanna sandokkhiba yai. High Court na article 225 gi makhada asigumba paochaksing fanghannaba lambi ama semduna thamlabanina hairiba lambi adu yokkhatfam thoki amasung chatnabigadabani. RTI Act semme haiduna hairiba niti niyam adu hundokkhiba nattraga chatnahandaba yaroi.
28. Hanna khannakhibagumna RTI Act ki pandamna Act asi leingakna kharacha ichang changhandana miyamgi yaifanaba thousil thourangbada amasung loisang singgi afaba puraknaba hotnabada mathou tarakli haiba fongdokchei. High Court ki Rules makhada paochak tanbasi yamna luba nattraga jhanja chaoba oide. Thouwong asi icham chammi. Pammiba poachak adu pambagi maram taklaga court ki stamp fee naptuna affidavit ama tharaga fangba yagani. High Court na judicial side ta thammiba che-chang sing asi lanai case thengnakhibagi title case kumba che-changsing amasung family court ki mari leinaba che-changsingni. RTI Act ki khudongchaba louraga court ki thabak ta nattraga paochak oiriba che-changsing asibu lanna sijinnaroidabani.

29. India gi Constituion gi Article 227 na piriba sakti adugi makhada High Court na magi magi mityeng khada leiba court sing nattraga Income Tax Appellate Tribunal gumba singdagi loukhatlakpa che-chang mayam marakta kanagumba Tax payer amana mahakki income tax thikhibagi (Income Tax Return) akuppa kaya yaoi. *Girish Ramchandra Deshpande v. Central Information Commissioner and Others* (2013) 1 SSC 212 gi case ta takhiba raigumna Income Tax Return da mioi amana mahakki sel-thumga mari leinana fonfokliba wafamsi lanaini amasung masigumba wafam asidi leibak miyamgi yamna kanagadaba matangda nattrabadi pithoktrabasu yai. Paochak tanbada High Court na talliba misingbu paochaktu tanbagi maram affidavit ama thaduna piyu hairiba asi RTI Act ki niti niyamga yetnabani haiba yaroi, piraktaba tarabadi madu RTI Act ki section 8 ki makhada leiriba niti niyamsingna maram oiraga pithokpa yadaba paochak oiramgani.

30. RTI Act pu chatnahannaba khannabada hanna leirmlaba paochak fanghannaba lambisingbu yokkhatkadabani amasung chatnahangadabani haibasi Supreme Court ta thengnakhiba *Institute of Chartered Accountants of India v. Shaunak H. Satya and Others* (2011) 8 SCC 781, the Supreme Court gi case ta makhagi asumna rai pikhi:-

“24. Prajatantragi pandamsinggi manungda senja-thumja muthatnaba ipao khudingmakpu manung mapan naidana mipum khudingda fanghnaba amasung daitya leina thabak touhannabani. Adubu pandam asi fangnaba hotnabada atei chap manana maru oiba miyamgi yaifanaba touriba thabaksing haibadi kharacha ichang changhandana leingakki amasung thoupuba singi niyam chumna ningthina touriba thabaksing amasung aruba lonna thupna thamgadaba paochak kayabu thamjinba asi thawoidaba touroidabani nattraga manghalloidabani. RTI Act ki pandamadi asigumba miyamgi thabakta yetnaba asi leihandabani, haibadi nakan amada manung mapan naihandana senja-thumja lehandanaba hotnaba amasung daitya leina thabak touhanbani amasung nakan amadana leingakki pukchel sengna, niyam chumna amasung fajana mathou touduna sel ichang changhandana leibakki thabakpu khamthengna fagatnaba hotnariba amasung lonna thupna thamgadaba aruba paochak thammbiba leingakloisinggi pukningbusu ninghannaba pidabani. Section 2 amasung 4 na ahanba pandam fangnabani amasung Section 8, 9. 10 amasung 11 na a pandam fangnabani.

“25. Maram aduna, Section 8 na akhannaba paochak khara pithoktabagi ayaba pidrabasu masi paochak lounabagi hak pu yotlingna punsiba natte, masidi tangaifadana atoppa miyamgi yaifanaba thabakta amasung ngaktaba yadaba aronba khara ngaknabagi prajatantragi fidam amani. Maram aduna Section 4 (1) (b) amasung (c) sing asi sijinnaba matamda RTI Act chalaibagi daitya leiraba Thoupubasingna Section 8 ki paochak pithoktabasu yaba aduda pukning thadabagi mahutta Act asina eopaosingbu manung mapan naihandabaga loinana atoppa miyamgi apamba kayabusu fanghanba ngambasi uba tai.

31. Paochak fanghannabagi niti niyam ani leirakpa matangda haibadi Supreme Court ki Rules amasung RTI Act ki Rules sing asi karmba chatnagi yengsinbada Delhi High Court na *The Registrar Supreme Court of India v. R S Misra* (2017) 244 DLT 179 gi case ta “karigumba paochak pinabagi niyam ama ain amagi makhada hanna leirabadi RTI Act ki niti niyam sing sijinnaroi haina rai pikhi. Rai adu makhagi asumna thamba yai:-

“53. RTI Act ki wahoudokna hairi madudi Act asi sembagi amata ngairaba maramdi Leibakki Thoupuba (public authority) singgi mafamda leiriba paochak khudingmak parajasingda fanghanba yanabani (mafam asidadi pandraba lamai 36 panba W.P.(C) 3530/2011gi lamai 22 da piriba wafam ama palli). RTI Act ki wahoudok nasu nattraga Act asigi niti niyam amatana paochak fanghannabagi lambi hanna leirabadi atoppa anouba niti niyam amamuk sembagi darkar oi haiba pallamde. Tasengbamak asigumba

niti niyam sing amasung thourang sing asina RTI Act ki makhada semliba niti niyam sing asigumna paochak fanghannabagi lambi pidrabadi RTI Act ki niti nyamsing asi sijinnaduna paochak tanba yai adubu paochak tannabagi hanna leiraba niti niyam ga mannaba amamuk semba natraga atoppa anouba ama semloidabani.

“54. Court asina makha tana hairi madudi ain amagi makhada paochak fanghannaba lambi yattuna leirabadi RTI Act ki niti nyamsing asi sijinnaroi maramadi RTI Act asi transparency leitaba matamda leihannaba sijinnagadani adubu matang asidadi transparency leitabagi wafam leite. Atoppa waheida hairaga, RTI Act ki niti nyamsing asi transparency puraknaba natrabadi sijinnaroidabani.

“55. RTI Act ki section 2(j) na hairi madudi Act asina konsilliba paochak sing asi public authority gi makhada leitaba paochak adukheini. Copy/certified copy piba haibasi paochak (information) pibadagi tonganba ama natte. SCR (Supreme Court Report) na judicial record singgi certified copy piba khak nattana hairiba che-chang sing adugi certified copy natraga icham chamna copy pidabagi thabaksu toui. Record singbu certify toubagi thabak asi Assistant Registrar/Branch Officer natraga Registrar gi mahut sinduna officer amana toui. Court asigi mot oinadi RTI Act ki Section 4 da pallibagumna hanna ain amagi niti niyam amana paochaksing fanghannabagi lambi ama piduna leirabadi prasingna paochak fangnabagi damak RTI Act ki niti nyamsing asi yarimakhei sijinnaroidabani.

“56. RTI Act ki niti niyam marakta asigumba fibam asi sougatpa yaori, kharadang pallabada section 4(2), 3 amasung 4 na haininglibadi karigumba paochak ama “khanghankhrabadi” paochak adu fangnaba miyamna RTI Act sijinnaba hantharakkani. Houjikki case asida SCR gi makhada “khanghankhrabadi” hairiba adu mamangda section 7(9) da pankhiba aduga chap mannari amasung (RTI Act ki) wahoudokki waram takpada haibagumna Leibakki Thoupuba (public authority) gi khutta leiriba paochak sing adu matik chana pidraba matamda paochak loubada thingnge haigani.

“57. Section 4(2) nasu Leibakki Thoupuba (public authority) singna matam pumnamakta sub-section (1) gi makhada thabak paikhatnaba thourang touduna leigadabani amasung RTI Act ki khutthagda paochak tanba hanthahannaba, mina piyu hairaktrabasu masana khangna (suo moto) miyamda marak marakta makhal kayagi ipao faonanaba pambeising sijinnaduna paochaksing asi laothoktuna khanghangadabani.

Karnataka High Court ta tang 09.01.2019 da thengnakhiba State Public Information Officer amasung Deputy Registrar (Establishment) V. Karnataka Information Commissioner amasung atoppa ama gi case (WP Mo. 26763 of 2013) dasu mathakki asumna rai takhi.

32. Mathakki Delhi High Court na piriba wayel asi eikhoina chap chana sougatli. Karigumba paochak ama fangnabagi darkhast/affidavit ama tharakpa matamda High Court ki niti niyam singna madu fanghannabagi lambi ama hanna piduna leirabadi RTI Act ki mateng louroidabani.
33. RTI Act ki Section 4 gi sub-section 2 na hairi madudi Leibakki Thoupuba (public authority) khudingmakna, RTI Act ki khutthagda paochak tallakpa hanthahannaba, masana khangna (suo moto) paochak tallakpa ngaidana internet amasung atei pao faodok-faojingi pambeising sijinnaduna miyamda makhoida leiriba paochak sing adu marak marakta khanghannaba thabaksing paikhatkadabani. Masana khangna Leibakki Thoupubasingna makhoina touriba thabaksinggi mari leinaba paochak sing miyamda laothokpasi epaogi yug (information regime) asida yamna maru oiba machak amani. High Court singna pikhiba raising nachingba kayagi che-chang pumnamak magi magi

website ta thagattuna thamnare amasung hairiba che-changsing mayam adu kanagumba amana changduna paba yahalle. Matou asumna, panduna leiriba case singgi kari fibamda leiri haibasu amasung High Court singna India gi Constitution gi section 235 na makhoinda piriba sakti adu sijinnaduna makhoigi makhataba court singgi thabak mafam hongdok-hongjin (transfer) gi, thabak happagi amasung thabak mafam pibagi mari leinaba che-changsingsu website ta thagatnare. Case thengnariba mioisinggi case ka mari leina che-changsing asigi pithokpa nattraga aron-athup ngaktuna thamnabagi High Court na ahumsuba kangbu (third party) na asigumba che-changsing asi louge hairabadi darkhast.affidavit ama thahalli nattrabadi darkhast aduna pachak sing adubu lanna sijinnaba khak nattana thingba ngambagi wangmada paochak adu sara sanna sandokkhiba yai.

34. RTI Act ki section 22 na hai madudi Official Secrets Act, 1923 da yaoriba nattraga atei aingi niti niyamsing asi RTI Act ki niti niyamsing asiga hek channadabada khudakki oina RTI Act na makhoigi mahutta chatnagani. Appellant ki Learned Senior Counsel na haikhi madudi Gujarat High Court ki Rules 151 gi matung inna paochak talliba mi amada mahakna paochak adu pambagi maram taktuna affidavit ama thahanbasi asi RTI Act ki section 6(2) da piriba adugi chap chana onna-teinabani. Gujarat High Court ki Rules asiga RTI Act ki niti niyam sing asiga hakthegnana chanadaba leire amasung RTI Act ka atei Parliament nattraga State legislature na semba nattraga atei authourity na semba niti niyamga yetnaba leirabadi RTI Act ki niti niyamsing adu oina chatnagani.
35. RTI Act ki section 22 leijarabasu makhagi makhal ahumsi panba yai:-
 - (i) Official Secrets Act, 1923; amasung,
 - (ii) atei matam matamgi oina chatnariba niti niyamsing; nattraga
 - (iii) Act asi nattaba atoppa aingi makhada chatnaba atei (instrument) niyamsing.

Karigumba Right to Information Act ki niti niyamsingga atei atoppa aingi niti niyamsingga hek yetnaba leirakpada Right to Information Act ki niti niyamsingna atei niti niyamsingbu namhatpa yabagi (overriding effect) sakti piri. RTI Act ki clause 31 asi atoppa ainbudi soktrabasu Freedom of Information Act, 2002 di masina chatnahankhide. Right to Information Act na Official Secrets Act nattraga aron-athup ngaknaba Leibakki Thoupaba (public authority) singbu paochak pithoktaba amasung fongdoktabagi ayaba piba ainsingbu semdokte. Maram aduna, Official Secrets Act, 1923 yaona semkhiba ain pumnamak chatnakhigani. Adum oinamak, RTI Act asina karigumbada yetnaba leirabadi atei niti niyambu namhatpa ngamagi sakti adudi leigani.

36. RTI Act ki atei atoppa ainbu namhatapa ngamba (overriding effect) sakti asina India gi Constitution gi article 225 ki makhada semliba High Court ki Rules mayam asi chatnahandre haiba natte; supnadagi karigumbada yetnaba leiraba matamda atei ainbu namhatpa ngamba sakti lei haibani. Taseng tasengna ain anigi marakta yetnaba leitri makheidi atei ainbu namhatpa ngamba sakti asi pire haiduna akhannaba ain amabu hekta namhatpa yade. Hiram asida, eikhoina Supreme Court ta thengnakhiba *R.S. Raghunath v. State of Karnataka* (1992) 1 SCC 335 gi case asigi rai panba kanagani. Hairiba case aduda Supreme Court na sumna rai pikhi:-

“38. Ajoy Kumar Banerjee v. Union of India (1984) 3 SCC 127 gi case ta Sabyasachi Mukharji (matam aduda His Lordship oiriba) na mahakki mot asumna pikhi:

“Hanna mafamsida haikhibagum scheme ama chummi haina loubu matamda sadharon oiba ain haibasi karino amasung akhannaba ainna karino amasung amasung ain ani yetnaba lakpa matamda karamba ain chatnagani haiba wahangsing asi thoraki amasung sadharon ainga akhannaba ainga yetnarakpa matamda akhannaba ainna sadharon aingi mathakta leigani (generalia specialibus non derogant) haiba niyam asi sijinnarakkani. Asigumba ain ani yetnarakpa matamda sadharon ain asi akonbagi ain aduna hannagi ain

adu chatnahandraba matamda chatnagadabani. Atoppa londada hairaga, hanna leiramba akhannaba ain ama anouba sadharon ain amana mathakta leigani karigumba

- (i) Ain ani adu amaga amaga yetnaraba;
- (ii) Hannagi ain adugi maramda anouba ain aduda khara panba tarabadi.

Mathakta hairiba fibam anisimak leirabadi akonbagi ain aduna anouba oirabasu hannagi adugi mathakta leigani.

37. Hanna pankhibagumna, RTI Act ki section 31 na chatnahankhidabasi Freedom of Information Act, 2002 khaktani, atei ain singdi chatnahandaba aduda yaokhide. Karigumba ain asibu semlibasingna atei Act singbu natraga paochak talliba darkhastkari (applicant) amada paochak fanghannabagi semmiba ain singbu muthattuna chatnahandaba pamlamlabadi RTI Act ta masi yamna mayek sengna pallamgani. Asigumba wafam amata pallamdabana, RTI Act ki niti niyamsing semlamba legislature sing aduna touhanningda adu eikhoina touba yanaba RTI Act pu wahanthok lanna hanba chumde. RTI Act ta tongan tonganba High Court singna semba niti niyamsing akhannana panba leite natraga atoppa Freedom of Information Act, 2002 nattana panba leite.
38. Hanna neinakhibagumna, Gujarat High Court ki Rules 151 na ahumsuba kangbu (third party) amabu paochak tanbada tou hairibasi mahakna kari maramgi paochak adu darkar oiribano haibasikhak piduna affidavit ama thau haibani. Masida High Court ki Rules asiga RTI Act ki niti niyamsingga karisu yetnaba leite. Gujarat High Court na paochak pithokpasu thingba leite natraga certified copy pibasus thingde. Khennaribasi darkhast/ affidavit thabada natraga fee pibada asinachingbadni, Niti niyam anisigi marakta yetnaba amata leite, maram aduna RTI Act na Gujarat High Court ki Rules namhatpa (overriding effect) leiroy.
39. RTI Act ki section 8(1)(a) dagi (j) faobada paochak makhal 10 di miyamda pithokpadagi komthoki. Karigumbada pithokliba paochak aduna (i) miyamgi pukning chingsinba yaba natraga yaifanaba oidrabadi; natraga (ii) kanagumba mioi amagi lanai punsida yamna kahenna ayetpa pigadaba leirabadi, Section (1) (j) na lanaigi oiba paochak pithokpadagi komthoki (haibadi pithoktrabasu yai). Adum oinamak, hairiba case animakta, karigumbada paochak sing adu pikhibana miyamgi yaifa thabakta yamna kanagani haina Central Public Information Officer natraga appellate authority na khallabadi, makhoina hairiba paochak sing pithokkho haina yathang touba yai. Masina taklibadi lanai gi oiba paochak sing asi karigumba miyamgi yaifa thouranga mari leinarabadi paochak sing adu pithokpasu yai haibani. Kanagumba lanai mioi amagi lanai punsida yamna kahenna ayetpa pirabasu mi mayam amagi kanagadaba leirabadi akaiba leite haina loughani.
40. High Court ki judicial side ta thammiba paochaksing asi case thengnakhibasinggi lanai oiba che-changsingni natraga leingakna akhannaba case singgi pirakkhiba che-changsingni. High Court na India gi Constitution gi article 227 gi makhada makha thaba court sing natraga Tribunal singdagi loukhatpa makhal kayagi che-changsing su thamba yai. Khudam oina, Income Tax Appellate Tribunal, Customs Excise and Service Tax Appellate Tribunal amasung atei Tribunal singgi wayelsingda thorakpa High Court singna khomjinba che-changsing. High Court singna takhiba wayelgi rai singgi che-chang sing asi case thengnariba mioisinggi fangfam thokpa hak amasung tingfam thokpa singga mari leinaba che-changsing ngaktani. RTI Act ki section 8(1) (j) gi matung inna Central Public Information Officer natraga appellate authority na paochak ama madu pithokpada miyamda yamna kanaba pigani haibagi thajaba leirabadi makhoina paochak adu pithokkhinaba yathang touba yai. High Court ki Rules asiga mari leinana karigumba High Court ki judicial side ta thammiba che-chang/records/ wayel gi rai singgi paochak

nattraga certified copy sing tallkpada ahumsuba kangbu amana tougadabasi supnagi darkhast/affidavit amada mahakna talliba che-changsing adu kadaida sjinnagani haibagi maram piraga thagani. Hairiba maram adu chai haina court na nattraga mari leinaba officer na khallabadi mangonda mahakna pamliba che-chang sing adu pigani. Hanna neinakhibagumna Supreme Court ki Rules 3 Order XIII nasu hairiba ahumsuba kangbuna paochak tanbagi thouwong asi touhalli.

41. Khannariba wafam asida thamlakliba atoppa wafam amana RTI Act ki section 11 gi makhada kanagumba amana High Court ta thammiba che-chang pumnamak tanba yai haibasini. Act asigi section 11 na ahumsuba kangbuda pigadaba che-changsing (third party information) matangda hairi. Act asigi section 11 gi matung inna karigumba darkar oiriba che-changsing nattraga record sing adu nattraga madugi saruk ama oirbasu ahumsuba kangbu amana pirakpa oiragadi amasung madu ahumsuba kangbu aduna lonna thupna thamba oiragadi, Central Public Information Officer nattraga State Public Information Officer anigi maraktagi amana darkhast fangba matung numit 5nigi manungda ahumsuba kangbu aduda mahakki che-changsing adu fongdokpa pammi amasung fongdokpada mahakki mot kari lei haina hangbaga loinana mahakki mot adu ayiba oina nattraga china oirbasu piraknaba khanghangani.
42. Mathakta hainariba paochak khara lounabagidamak asuk yamna jhanja chaohanba thouwong asigi kanaba afaba eikhoina uba fangde. Eikhoigi mot matung innadi, paochak sing fanghannabagi irai laiba thouwonggi lambi haibadi court ki pifam thokpa fee piraga amasung paochak adu karigi pammibano takpa affidavit ama tharaga fangba yarabada, RTI Act ki section 11 asi amuk sijinnabagi anasung yamna jhanja chaoba thouwong asi sijinnabagi kanaba leite hainingi. Asigumba Act asigi yamna jhanja chaoba thowong asina RTI Act ki wahoudaokta toudanaba hairiba adugi onna teinabada arembada matam amasung sel yamna manghangani.
43. Eikhoina case asigi waroisin asi makhagi asumna samna thamli:
 - (i) Gujarat High Court ki Rules 151 na ahumsuba kangbuda paochak pibagi matangda darkhast ama paochak adu karida sijinnagani takpa affidavit amaga loinana thahallaga pigadabani haibasi RTI Act ki niti niyamsingga karisu yetnaba leite; masidi icham chamna paochak adu tanbada thouwong khajik khennaba amasung amasung pifam thokpa fee pibada khajik khennabadani. RTI Act ki niti niyamsing asiga atei atoppa aingi niti niyamsingga yetnaba leitrabadi RTI Act ki atei niti niyamsingbu namhatpa ngamba (overriving effect) adu sijinnaroidabani.
 - (ii) Judicial side ta thammiba che-changsing/certified copysing asi miyamna loubayabagi lambi/niyam High Court ki Rules na semduna thamle, maram aduna RTI Act ki niyamsing sijinnaroi.
44. Mathakta pijakhiba maram chaba wafamsing asigi matung inna Ahmedabad ta Gujarat High Court na tang 13.04.2013 da Letters Patent Appeal No. 1348 of 2013 gi case ta takhiba shingnariba rai asi chummi haina hairi amasung tharakliba appealing sing asi kakthatle (dismiss). Mr. Atmaram N. S. Nadkarni na court asibu amicus oina mamal yamlaba tengbang pibikhibagi wafamsingsu eikhoina record oina thamjinjare.