

**IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Special Original Jurisdiction)**

W.P.No. 18523 of 2017

Mohamed Khader Meeran A S,
S/o. S.M.A. Syed Ibrahim,
No.2/16A, Haneefa Colony,
TVS Tolgate,
Tiruchirapalli-620020

...Petitioner

Vs

1. The Chief Secretary,
Government of Tamilnadu,
Fort St. George, Chennai
2. The Secretary to Government,
Department of Personnel & Administrative Reforms,
Government of Tamilnadu,
Fort St. George, Chennai
3. State Informatics Officer,
National Informatics Centre,
Tamilnadu State Center,
E-Wing, I Floor, Rajaji Bhavan,
Besant Nagar, Chennai-600019
4. Union of India rep. by its Secretary,
Department of Personnel & Training,
New Delhi
5. Director General,
National Informatics Centre,
A-Block, CGO Complex,
Lodhi Road, New Delhi-110003

...Respondents

AFFIDAVIT OF MOHAMED KHADER MEERAN A.S

I, Mohamed Khader Meeran A.S, son of S.M.A Syed Ibrahim, Muslim, aged about 25 years, residing at No. 2/16 A, Haneefa Colony, TVS Tolgate, Tiruchirapalli-620020 now temporarily come down to Chennai do hereby solemnly and sincerely affirm and state as follows:

1. I state that, I am the petitioner herein and well acquainted with the facts deposed to hereunder.
2. I state that, I am a student and native of Tiruchirapalli pursuing my MBBS III year course at Mahatma Gandhi Institute of Medical Sciences,

Sevagram Wardha, Maharashtra. I had developed an instinct for Social activism right from my school days and used to explore internet for finding out methods for the development of society and in particular for student community. While exploring so, to my shock and surprise I found out that though there is provision for online portal under Right to Information Act. All the states of India including the State of Tamilnadu except Maharashtra have not developed their own online portal under the Right to Information Act.

3. I state that, on 10.04.2017 I had submitted an online RTI request to the 2nd respondent seeking information whether the Union Government had assisted the Government of Maharashtra in making their online portal, to provide me the summary of document showing the list of financial and technical assistance to them, that if Union Government is charging any fee for creation of the state online RTI portal, to provide me information about the annual fee charged from them, that if the Union Government is charging any fee for maintenance of the RTI Portal, to provide me the annual fee charged from them, that if Union Government instructed or directed the State Government to create online RTI Portal to provide me the copy of the direction /instruction and that if any State Government/Union Territory of India approached or requested the Union Government to assist them in creating an online RTI portal for them and to provide me the list of State Government Union Territory which did the same.

4. I state that, the 4th respondent vide his reply dated 12.04.2017 has disposed my request stating that it had neither assisted Government of Maharashtra nor has provided any financial assistance to them, that no fee is charged by them for creation of State online portal, that none of the State Government has approached it to assist in creating online RTI Portal. The 4th respondent has also insisted that vide its letter dated 03.12.2013 had issued an advisory to State Governments to explore the feasibility of implementing online RTI Portal. The Letter also revealed that the 4th

respondent had requested National Informatics Centre, 5th respondent to provide technical support such as software and source code to the State Governments who desire to replicate the web portal for online filing of RTI applications at state level. The 4th respondent had also informed that the payment gateway for the RTI online web portal has been provided by the State Bank of India and that the state may request SBI to provide payment gateway for RTI online web portal for the state also.

5. I state that, on 12.05.2017 I had made a request to the 1st respondent to issue directions to all departments of Tamilnadu Government, to disclose the pro-active disclosure i.e about the organizational structure and function etc., mandated by RTI Act in their respective departmental websites and to issue orders to the concerned departments to initiate RTI online portal for filing RTI applications to various departments of Government of Tamilnadu. The representation was also forwarded to the Tamilnadu Chief Minister's Special cell.

6. I state that, I had also marked a copy of the above representation dated 12.05.2017 to 1. The 2nd respondent, 2. Secretary, Information Technology Department, 3. Secretary, Law Department, 4. Secretary, Labour & Employment Department, 5. Secretary, Special Programme Implementation Department, 6. Secretary, Tamil Development & Information Department and 7. Secretary, Public Department. The 2nd respondent by his reply Letter No.16667/Nee, Si3/2017-1 dated 01.06.2017 had replied that vide its Letter No.11742/Nee. Si 3/2017-4 dated 18.04.2017 had advised all the Secretaries, Departmental Headquarters and District Collectors to speedily and voluntarily implement the Pro-Active Disclosure as mentioned in Section 4(1) (b) of Right to Information Act. Moreover the 2nd respondent vide its above Letter had also informed that it had already taken steps to create an RTI online Portal for submitting Second Appeal to the Tamilnadu State Information Commission and that it had also purchased Electronic instruments. In collaboration with the National Informatics Centre the Tamil

Nadu State Information Commission is taking steps to develop the software for the RTI online Portal.

7. I state that, on 14.06.2017 I had made an online RTI request application to the 5th respondent seeking detailed information regarding (a) the 2nd respondent's request to provide technical support pending with the 5th respondent (b) if any other department of Tamil Nadu State Government except the 2nd respondent had requested the 5th respondent to provide any technical support among other requests. The 5th respondent vide its letter dated 30.06.2017 had informed me that no request has been made by any department of the Tamilnadu State government for developing RTI online Portal and no such requests are also pending. Thus its very clearly revealed that non of the departments of Tamilnadu State Government had approached the 3rd or 5th respondent to develop their respective online portals under RTI. The letter No. 40837/Admin-I/2016 dated 25.10.2016 of the Tamilnadu Information Commission addressed to the 3rd respondent clearly points out that the commission has sought the assistance of the 3rd respondent to develop its online Portal only for its Second Appeal.

8. I state that, The department of General administrations, Maharashtra Government in a reply to my RTI application dated 13.06.2017 by its Letter No. Sr. No. 2017/pk/78 dated 20.06.2017 informed about the procedure it followed for the implementation of the online RTI service in its state and it also revealed that it had incurred no charges for developing online RTI service or for supervising or for managing the services and it is also mentioned that National Informatics Center has not collaborated with any private company person for creating online RTI service.

9. I state that, creation of online RTI Portal would develop transparency, it would reduce the burden of Public Information Officers, paper work would be considerably reduced and public money would be saved along with transit delay by applying and receiving the information thru online Portal.

10. I state that, I have no other alternative remedy except to approach this Hon'ble Court under Article 226 of the Constitution of India. I state that I have not filed any public interest litigation previous to this petition. I undertake to pay cost if any, if it is found to be interested for personal gain or oblique motive. I have filed this Public Interest Litigation petition by spending my own funds. To the best of my knowledge no public interest litigation petition arising on the same issue has been filed any where.

In the circumstances it is prayed that this Hon'ble Court may be pleased to issue a Writ of Mandamus or any other Writ or order or direction directing the respondents to consider my representation dated 12.05.2017 and consequently direct the 1st respondent to direct all departments of Tamilnadu to disclose the proactive disclosure mandated by RTI Act in their respective websites and direct the respondents to launch RTI online portal and pass such other or further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and render justice.

Solemnly affirmed and signed
Before me at Chennai this the
7th day of July 2017

BEFORE ME

ADVOCATE, CHENNAI

**MEMORANDUM OF WRIT OF PETITION UNDER ARTICLE 226 OF
THE CONSTITUTION OF INDIA**

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4. Union of India rep. by its Secretary,
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New Delhi
5. Director General,
National Informatics Centre,
A-Block, CGO Complex,
Lodhi Road, New Delhi-110003

...Respondents

WRIT PETITION

The address of service for service of all notices and processes on the petitioner is that of his Counsel **M/s. A.B. FATHIMA SULTHANA**, Advocate, Chamber No. 328, New Law Chambers, High Court, Chennai- 600 104.

The address of service for service of all notices and processes on the respondent is as stated above.

For the reasons stated in the accompanying affidavit it is therefore prayed that this Hon'ble Court may be pleased to issue a Writ of Mandamus or any other Writ or order or direction directing the respondents to consider my representation dated 12.05.2017 and consequently direct the 1st respondent to direct all departments of Tamilnadu to disclose the proactive disclosure mandated by RTI Act in their respective websites and direct the respondents to launch RTI online portal and pass such other or further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and render justice.

Dated at Chennai this the 7th day of July 2017.

COUNSEL FOR THE PETITIONER