Short on time? Try Generative summary

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.

FRIDAY, THE 13TH DAY OF FEBRUARY 2026 / 24TH MAGHA, 1947

WP(C) NO. 3530 OF 2024

PETITIONER/S:

NISHAD SHOBANAN,
AGED 38 YEARS
S/O. SHOBANAN E K, PULINGHANPILLY HOUSE,
PUTHENVELIKKARA P.O, MULAVANA, ERNAKULAM DISTRICT,
PIN - 683594

BY ADV SRI.T.U.SUJITH KUMAR

RESPONDENT/S:

1 THE UNION OF INDIA,
REPRESENTED BY SECRETARY TO GOVERNMENT, DEPARTMENT OF PERSONNEL AND TRAINING, MINISTRY OF PERSONNEL, PUBLIC GRIEVANCE AND PENSIONS, GOVERNMENT OF INDIA, NORTH BLOCK, NEW DELHI, PIN - 110001

2 STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT, DEPARTMENT OF GENERAL ADMINISTRATION (CO-ORDINATION), SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001

BY ADV O.M.SHALINA, DEPUTY SOLICITOR GENERAL OF INDIA
SMT. DEVISHRI R., GOVT. PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 02.02.2026, THE COURT ON 13.02.2026 DELIVERED THE FOLLOWING:

MOHAMMED NIAS C.P., J.

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W.P(C) No.3530 of 2024

.....

Dated this the 13th day of February, 2026

JUDGMENT

The writ petitioner is challenging Rule 4(4) of the Kerala Right to Information (Regulation of Fee and Cost) Rules, 2006 (hereinafter the 'Kerala RTI Rules') to the extent it prescribes that the free supply of materials to persons below the poverty line shall be restricted to 20

were thereafter closed as infructuous upon the Government initiating steps to amend the said Rules to bring them in conformity with the Central Act and Rules.

15. In view of the above discussion, I have no hesitation in holding that the proviso to Rule 4(4) of the Kerala Right to Information (Regulation of Fee and Cost) Rules, 2006, travels beyond the scope of the rule-making power under Section 27 of the Right to Information Act, 2005, is inconsistent with Section 7(5) of the Act, and also defeats the substantive provision of Rule 4(4) itself. The said proviso is therefore ultra vires the parent statute and is liable to be declared illegal and void. Accordingly, the proviso to Rule 4(4) of the Kerala Right to Information (Regulation of Fee and Cost) Rules, 2006, restricting free supply of information to persons below the poverty line to twenty pages, is struck down as ultra vires the Right to Information Act, 2005.

The writ petition is allowed.

SD/- MOHAMMED NIAS C.P.

JUDGE

okb/