

Dear all,

You may recall our email alert of 18th May 2011 with similar subject line. CHRI had written to the Department of Personnel and Training (DoPT), Government of India highlighting systemic lacunae underpinning the problem of lack of uniformity in the RTI Rules notified by State Government and competent authorities, particularly High Courts. The twin problems pointed out in this letter are:

Problem 1: Parliament can annul or modify Rules made by the Central Government but it cannot annul or modify Rules made by the State Governments howsoever bad they may be. There is no mechanism for State legislatures to modify or annul Rules made by the State Governments under laws passed by Parliament such as the RTI Act. State Governments are only required to table the Rules in the State Legislature after notification. At the most the State Legislature can recommend changes. Even this does not happen most of the time as the State Legislature may not have a Committee on Subordinate Legislation (like the Lok Sabha and the Rajya Sabha committees in Parliament) to vet the Rules in detail. Even if they have one, the Rules may not be referred to such committees by the State Government at all. As a result retrograde Rules such as word limits, subject matter restrictions, higher fee rates and demand for citizenship proof from applicants go unchallenged.

Problem 2: There is no requirement for even tabling the Rules notified by the High Courts before Parliament or any State Legislature. This is why there has been no challenge to the retrograde RTI Rules notified by many High Courts around the country. As a result Rules imposing additional restrictions on access to information, charging exorbitant fees etc. have remained intact.

The complete text of the email alert and the letter sent to the DoPT is accessible at this link:

http://www.humanrightsinitiative.org/programs/ai/rti/india/national/2009/email_alerts/RTI_Rules_notified_in_the_States_and_by_High_Courts-Absence_of_Legislative_Scrutiny.pdf

The DoPT's Response:

The DoPT has promptly acknowledged receipt of our letter and has agreed to initiate action on the issues raised in our letter. The opinion of the Law Ministry will be sought on both problem areas mentioned above. A scanned copy of the [reply received from DoPT](#) is attached to this email. We are hopeful that this process will reach its logical culmination soon by creating a mechanism for ensuring effective legislative scrutiny on RTI Rules made by State Governments and other competent authorities. This mechanism will be useful for scrutinising Rules notified by State Governments under other laws enacted by Parliament.

In order to access our previous email alerts on RTI and related issues please click on:

http://www.humanrightsinitiative.org/index.php?option=com_content&view=article&id=65&Itemid=84

You will find the links at the top of this web page. If you do not wish to receive these email alerts please send an email to this address indicating your refusal.

[I have not posted this message on humanenge@googlegroups.com. However this message may be automatically relayed through that group to unintended recipients. My apologies in advance for the inconvenience caused to such recipients.]

Thanks

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