

# Draft RTI Rules 2010 and DoPT's response to submissions from the public and the National Advisory Council - CHRI's counter arguments and related matters

January 25, 2011

Dear all,

Readers will recollect the consultation exercise launched by the Department of Personnel and Training (DoPT) under the Government of India in December 2010 seeking to amend the regime of Rules instituted in 2005 under the *Right to Information Act, 2005* (RTI Act). The Draft RTI Rules were published on the DoPT's website which may be accessed at: [http://persmin.gov.in/WriteReadData/RTI/RTI\\_rules\\_01122010-1.pdf](http://persmin.gov.in/WriteReadData/RTI/RTI_rules_01122010-1.pdf) The deadline for submission for comments and recommendations was 27 December 2010. Some reports indicate that the submissions were as many as 13,000 while some others indicate that they were less than 500. I do not know which number to accept as the DoPT has not made this statistic public.

The National Campaign for People's Right to Information held consultations on the Draft RTI Rules in Delhi and sent its recommendations to the sub-group of the National Advisory Council (NAC) for taking it up with the DoPT. Subsequently the NAC deliberated on these comments and sent its views to the DoPT (first attachment). The Hindu reported on 23/01/2011 that the DoPT has rejected several of these comments. This media report may be accessed at: <http://www.hindu.com/2011/01/23/stories/2011012357332000.htm>

After obtaining a copy of the DoPT's comments from the members of the NAC, CHRI has prepared a counter to these comments. The DoPT's comments have not been uploaded on its website (second attachment). Readers will notice that these comments are in two parts. The first and shorter table contains DoPT's comments on the recommendations received from the general public. The second and longer table contains DoPT's comments on the suggestions contained in the MS Power Point Presentation sent by the NAC. CHRI has pointed out in its counter that the DoPT has agreed with several suggestions from the public and the NAC on minor issues. **However it has refused to accept the recommendations on major issues such as 250-word limit and subject matter restriction and abatement of appeal on the death of the appellant.**

Er. Sarbajit Roy brought to the notice of RTI users and readers the DoPT's missive to all ministries and departments about these crucial topics. This letter is accessible at: [http://www.dot.gov.in/rti/2011/rti\\_07.01.2011.pdf](http://www.dot.gov.in/rti/2011/rti_07.01.2011.pdf) As many people who responded to the DoPT's invite for comments in December have rejected the word limit and subject matter restriction, the DoPT is now engaged in mobilising support from the ministries and departments in favour of these retrograde measures. It is interesting to note that the DoPT did not receive many suggestions from the ministries during the first round, or else a second round would not have been attempted. This itself is an indicator of the seriousness with which inter-ministerial consultations are taken by various ministries and departments. **Is the final decision on the draft Rules going to be made on the basis of votes received?**

We have shown in our counter (third attachment) to the DoPT's comments the superficial treatment of the objections to the Draft RTI Rules raised by people and civil society organisations. What is more worrisome is the absence of a proper procedure for tabulating all recommendations received and responding to them one by one. This is a strange way of conducting public consultation. The DoPT has not even bothered to respond to several suggestions made by organisations like CHRI. Will these be dismissed without discussion and will the sarkari juggernaut steamroll the new RTI Rules into action?

I request suggestions from readers about how to go about making this process of public consultation more meaningful in favour of preserving the letter and spirit of the RTI Act and less partisan as this exercise is increasingly becoming. Kindly circulate this email as widely as possible.

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Yours sincerely,

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