



Commonwealth Human Rights Initiative

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NGO in Special Consultative Status with the Economic & Social Council, of the United Nations

Director
Maja Daruwala

Date: 07/02/2013

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To,
Shri Vijay Bahuguna
Hon'ble Chief Minister
Government of Uttarakhand
Chief Minister House,
Uttarakhand New Cantt. Road
Dehradun- 248001

Dear Mr. Chief Minister,

I am writing to you in connection with the *Right to Information Rules, 2012* (RTI Rules) that your Government has prepared recently. CHRI has analysed these Rules in detail in the light of the letter and spirit of the Right to Information Act, 2005 (RTI Act) and the jurisprudence that has developed around it. A copy of our analysis is enclosed.

For reasons explained in our analysis, CHRI believes that the proposed RTI Rules:

- are anti-poor;
- increase inconvenience for applicants and appellants;
- vest more discretionary powers with Public Information Officers and First Appellate Authorities above and beyond what is contemplated in the RTI Act;
- create opportunities for delaying the access procedures laid down in the RTI Act;
- will increase the litigation burden on First Appellate Authorities and the Uttarakhand Information Commission; and
- seek to curtail the inherent powers of the Uttarakhand Information Commission rendering it toothless.

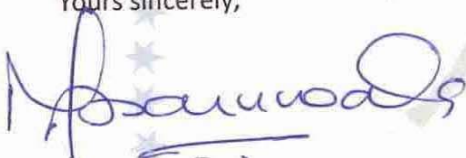
We urge you to go through our analysis to ascertain for yourself the negative consequences that are likely to emerge while implementing the proposed Rules. There is no indication in the public domain of any consultation held by your Government prior to the crafting of these Rules. As the RTI Act has many thousands of supporters and users in your State, notifying these restrictive Rules may be counter-productive and send wrong signals about your Government's

intentions. The Indian National Congress which you represent counts the enactment of the RTI Act as one of its major achievements. There is no reason why the transparency regime must be diluted or curtailed in the manner proposed by the Rules.

We urge you to direct your officers to withhold the Rules from being notified in the official Gazette. If they have already been notified, we urge you to withdraw them and restore the *status quo ante*. We urge you to hold public consultations with the Uttarakhand Information Commission and the representatives of public authorities and civil society to make an assessment of the use and implementation of the RTI Act in the State. Any change to the Rules regime must be made on the basis of a consensus developed in the course of such public consultations.

As always CHRI is willing to be of assistance in making this process happen. Please feel free to contact me (tel: 43180209, email: director@humanrightsinitiative.org) or my colleagues Venkatesh Nayak (tel: 43180215, email: venkatesh@humanrightsinitiative.org) and Amikar Parwar (tel: 43180211, email: amikar@humanrightsinitiative.org) if you wish to discuss any of the recommendations made in the enclosed documents.

Thanking you,
Yours sincerely,



Maja Daruwala
Director