



Commonwealth Human Rights Initiative

New Delhi, India • London, UK • Accra, Ghana

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

Date: 11/02/2013

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To,
Mrs. Sonia Gandhi
Chairperson
National Advisory Council
#2, Motilal Nehru Place
New Delhi- 110 011

Dear Mrs. Gandhi,

I am writing to you in connection with the *Right to Information Rules, 2012* (RTI Rules) that the Government of Uttarakhand has prepared recently. 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.

CHRI has analysed these Rules in detail in 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 sent to the Chief Minister, Uttarkhand is enclosed.

The United Progressive Alliance which you chair deserves all credit for enacting the RTI Act throughout the country. Uttarakhand was one of the first States to take effective steps for implementing this path breaking law under the then Government led by the Indian National Congress. Since 2005 several thousand citizens in Uttarakhand have used this law to demand transparency and accountability in the working of public authorities. Instead of taking measures to deepen and expand the transparency regime, the State Government has now sought to curtail the effectiveness of the RTI Act in several ways.

The State Government also did not deem it necessary to hold public consultations for amending the RTI Rules. The UPA Government notified the RTI Rules at the Central level in 2012 only after holding several rounds of consultations with the Central Information Commission, representatives of civil society and the mass media. The Uttarakhand Information Commission has already written to the State Government expressing disappointment about the attempt to curtail its powers without even a modicum of consultation.

I request your urgent intervention in this matter. I urge you to advise the Chief Minister to desist from implementing the new RTI Rules in Uttarakhand and restore the RTI Rules notified in 2005 which are more people-friendly. As the RTI Act is a very popular law, it is important to consult with RTI users and representatives of civil society and the mass media to build a consensus on the measures required for improving its implementation. As always CHRI is willing to be of assistance in making this process happen.

If you wish to discuss any of the matters contained in the enclosed documents 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).

With regards,
Yours sincerely,



Maja Daruwala
Director

Cc:-

- 1) The Secretary, National Advisory Council, New Delhi
- 2) Ms. Anu Aga, Member, National Advisory Council, New Delhi
- 3) Dr. Narendra Jadhav, Member, National Advisory Council, New Delhi
- 4) Dr. Mihir Shah, Member, National Advisory Council, New Delhi
- 5) Shri Naresh C Saxena, Member, National Advisory Council, New Delhi
- 6) Prof. Pramod Tandon, Member, National Advisory Council, New Delhi
- 7) Ms. Aruna Roy, Member, National Advisory Council, New Delhi
- 8) Dr. A K Shiva Kumar, Member, National Advisory Council, New Delhi
- 9) Shri Deep Joshi, Member, National Advisory Council, New Delhi
- 10) Ms. Farah Naqvi, Member, National Advisory Council, New Delhi
- 11) Ms. Mirai Chatterjee, Member, National Advisory Council, New Delhi
- 12) Shri Ashis Mondal, Member, National Advisory Council, New Delhi