

Amendment of the RTI Act- DoPT email addresses are difficult to access
August 10, 2009

Dear friends,

Some of our RTI activists and defenders who have received our email alerts through discussion groups have emailed the Minister for Personnel and the Secretary, Department of Personnel and Training only to see their emails bounce back. Some have conjectured that the email addresses might have been disabled due to the flood of emails from RTI activists. While this may be a plausible explanation for the bounce back it needs to be verified before being accepted as the primary reason. Sometimes emails bounceback if the mail box is full and has not been cleaned up by the addressee. Some activists in the RTI fraternity might like to file RTI applications to find out if the Email Management Guidelines issued by the Department of Administrative Reforms and Public Grievances are being followed by the DoPT.

However the threat of amendment to the RTI Act has not gone away with the ending of Parliament's budget session. The Government may bring in amendments during the next session of Parliament likely to be held in November-December. We need to be vigilant and keep up the pressure. I have copied below the draft communication that we had sent out in our last email alert. If your emails are bouncing back, please copy the letter on to a sheet of paper (A-4 size) and send it to the Minister and the Secretary by post. Additionally you may send your email/letter to the Joint Secretary, (AT&A) who is also in charge of RTI in the DoPT. Please ensure that you send your letters Under Postal Certificate (UPC). This will cost you Rs. 5/- for the stamped envelope and another Rs. 5/- to get the PostMaster to stamp the certificate. We urge you not to get the UPC certificate on a piece of paper that merely mentions the address of the recipient. Please make sure that you get the UPC stamp on a photocopy of the letter that you send to the Minister and the Secretary. This will ensure that you have proof of posting of the letter.

Those of you who can afford to make STD calls, kindly call up the Ministry at the numbers given below to express your views about the amendment exercise. Please take particular care to speak politely with the representative of the Ministry. Please avoid abusive language and refrain from getting into a verbal duel with the person who picks up the phone. Such negative approach can only hurt our cause. I urge you to convey your views in a mature manner. Do write to us about your experience of talking to the representatives of the Ministry.

In order to access our previous email alerts on the subject please click on: <http://www.humanrightsinitiative.org/programs/ai/rti/india/national.htm> You will find the links at the top of this web page. If you do not wish to receive email alerts please send an email stating as such to this email address.

Thanks
Venkatesh Nayak
Programme Coordinator
Access to Information Programme
Commonwealth Human Rights Initiative
B-117, I Floor, Sarvodaya Enclave
New Delhi- 110 017
tel: 91-11- 2686 4678/ 2685 0523
fax: 91-11- 2686 4688
website: www.humanrightsinitiative.org
alternate email: nayak.venkatesh@gmail.com

"Dear sir,

The press release issued by your Ministry through the Press Information Bureau on 03 August, 2009 indicates that the *Right to Information Act, 2005* (RTI Act) will be amended in order to make it more effective. We welcome your Ministry's initiative to improve implementation of the RTI Act. We also welcome the sanction of funds to build the capacity of Information Commissions and to promote awareness about the Act amongst people.

However we would like to point out that it is not necessary to amend the RTI Act in order to strengthen its implementation for the following reasons:

- 1) **Review of the list of organisations in the Second Schedule:** This can be accomplished with a gazette notification (subsequently to be tabled in Parliament). It does not require amendment of any provision of the RTI Act. We urge you to bring your influence to bear on the State Governments in West Bengal, Tamil Nadu and Uttar Pradesh and such other states to remove all organisations and categories of information that have been brought under the cover of section 24 wherever they do not fit the criteria provided in that section.
- 2) **Adding more topics to the list in section 4(1):** The power to notify more topics for proactive disclosure in public authorities already exists in sub-clause (xvii) of clause (b) of sub-section (1) of section 4. The list of topics may be added by making the necessary rules for which power is available in subsection (1) of section 27. There is no need to amend the RTI Act for this purpose.
- 3) **Constituting smaller benches of Information Commissions:** This power already exists in the Government of India and the State Governments by virtue of section 12(7) and section 15(7) respectively. This can be accomplished by suitably amending the *Central Information Commission (Appeal Procedure) Rules 2005*. There is no need to amend the RTI Act for this purpose.

We, the citizens of India who are the holders of the fundamental right to information guaranteed by our Constitution, wish to be consulted on all these and other issues related to the implementation of the RTI Act. We urge you to adopt public processes for collecting opinion regards any move to make changes in the RTI Act or in the Rules framed under it.

Thanking you,
Yours sincerely,

(Name and address of the sender)

NO AMENDMENTS - LEAVE OUR RTI ACT ALONE."

Send your letters to:

- 1) **Mr. Prithviraj Chavan, Minister of State, Personnel, Public Grievances and Pensions, Government of India, South Block, New Delhi- 110 001. Tel: 011-23092475**
- 2) **Mr. Rahul Sarin, Secretary, Department of Personnel and Training, Ministry of Personnel, Public Grievances and Pensions, Government of India, South Block, New Delhi- 110 001. Tel: 011-23094848 / 23092056**
- 3) **Dr. S K Sarkar, Joint Secretary, (AT&A), Department of Personnel and Training, Ministry of Personnel, Public Grievances and Pensions, Government of India, South Block ,New Delhi- 110 001. Tel: 011-23094010**