

Shri Thiru N Narayanan, IAS
Chief Secretary
Government of Tamil Nadu
Secretariat, Saint George 4th
Chennai – 9
Fax: 044 – 26572304

27 October 2005

Dear Shri Narayanan

Re: Comments on the Tamil Nadu Right to Information (Fees) Rules, 2005

I am writing to you from the Commonwealth Human Rights Initiative in New Delhi. I refer to my previous correspondence with you regarding implementation of the *Right to Information Act 2005* (RTI Act).

We have been reading newspaper reports of the steps being taken by the Tamil Nadu Government to implement the RTI Act. We understand that the Tamil Nadu Government has recently released the Tamil Nadu Right to Information (Fees) Rules under the Act.

Although the Fee Rules have been notified, nonetheless we would like to take this opportunity to point out that certain provisions in the Fee Rules do not do justice to the spirit of easy and inexpensive access to information for the general public as required by the Act. We would encourage you to issue an amendment regulation addressing these issues. In particular:

- **Application fees too high:** The Rules specify an application fee of Rs. 50/- This is unreasonable considering the fact that Government of India (GOI) Rules impose a fee of only Rs. 10/-. Under the Act, citizens have the right to approach the newly constituted State Information Commission to seek review of fees if they find them to be unreasonable. It would be in the best interests of the Government of Tamil Nadu to reduce the application fee to Rs. 10/- forthwith to bring it in line with fee set by the GOI to prevent such applications being made.
- **Additional fees too high:** In terms of fees to be charged for providing information, the fee schedule prescribes charging Rs. 15/- per each hour or fraction thereof for inspection of documents. GOI has permitted inspection free of charge for the first hour and has stipulated Rs. 5/- for every subsequent 15 minutes. At a minimum the Government of Tamil Nadu must reduce its inspection fees to the reasonable level set by GOI.

Further, charging Rs. 2 for each A3 or A4 size page created or photocopied is unreasonable and violates the principle that all fees should be limited to cost recovery and not aimed at making a profit.

It is recommended that an initial number of copies be provided free – for example 10 pages – because collecting the fee will cost more than the fee itself. After that, it is far more reasonable that a fee of Rs. 1/- per page for A3 or A4 size be charged because the prevalent market rates do not exceed that figure. Surely the Government does not intend to use the RTI Act to generate revenues for the State? We also suggest that the cost of providing information in a floppy or CD should be no more than Rs. 25/- or free if the applicant provides their own disk, in tune with prevalent market rates. A charge of Rs 50/- could lead to an accusation of profiteering.

We strongly urge you to consider a downward revision of all the fees in the Rules as they make result in practice in limiting access to information by poorer members of the community. Further, in addition to allowing payment of fees by cash, demand draft or bankers cheque as proposed under the Rules, a variety of modes including non-judicial stamps, postal order and money order should be prescribed.

Sir, in light of the many concerns raised above, we urge you to make amendments and deletions to the Rules and issue urgent clarifications incorporating these suggestions as soon as possible to avoid any inconvenience to citizens and any confusion amongst implementing officials. In addition to the above we urge you to issue clear guidelines regarding inspection and sample collection procedures, application of exemptions under Sec 8 1 (a) and 9 and determining public interest in such cases, either by notifying them as Rules or in the form of Gos.

As always, if we can be of any assistance in bedding down the new RTI Act in terms of assisting in training officials, producing training and education materials and/or providing practical guidance on implementation, please do not hesitate to contact me on (0)9810 199 745 or (011) 2685 0523 or via email at majadhun@vsnl.com. Alternatively, please contact Mr Venkatesh Nayak, Co-Coordinator, Right to Information Programme at venkatesh@humanrightsinitiative.org

Yours sincerely,



Maja Daruwala
Director

Cc: Shri G Ramakrishnan, Secretary to Government, Public Department, Government of Tamil Nadu, Secretariat, Chennai – 9.
- Thiru L Jayasankaran, Secretary to Government, Law Department, Government of Tamil Nadu, Secretariat, Chennai – 9.
- Dr M B Pranesh, Director General Training, and Director Anna Institute of Management Chennai, 161, P S Kumarasamy Raja Salai, Chennai-600028.
- Shri T Jacob, Joint Secretary, Department of Personnel and Training, Government of India, Room No 111, North Block, New Delhi – 110001.
- Shri T K Vishwanathan, Secretary for Legislation, Legislative Department, Government of India, Room #405, A Wing, Shastri Bhawan, Dr Rajendra Prasad Road, New Delhi – 110001.

