

19 September 2005

Dear

**Re: Implementing the new national Right to Information Act**

I am writing from the Commonwealth Human Rights Initiative (CHRI), an independent, non-partisan, international non-government organisation mandated to ensure the practical realisation of human rights throughout the Commonwealth. CHRI is headquartered in New Delhi.

CHRI's Right to Information (RTI) Programme works with governments and civil society to develop strong RTI laws and to implement them effectively. We were closely involved with the development of the new national *Right to Information Act* (RTI Act) which was passed by Parliament in May 2005 and have more recently been working with officials at the Central and State Government levels on implementing the new legislation.

As you may be aware, some provisions of the RTI Act have already come into force and the law will become fully operational from 12 October 2005. From this date, all citizens will be allowed to submit applications to all public authorities covered by the Act and will have the right to access information within 30 days unless it is exempted under the Act.

The High Court is a public authority covered by the law, because it is a body established under the constitution within the sense of the definition of 'public authority' in s.2(h) of the Act. In accordance with s.2(e), the Chief Justice is the Competent Authority.

We wish to draw your attention to the fact that the Competent Authority has been given powers to make rules for the implementation of the Act under Section 28. We encourage you to develop rules as a matter of priority, through a participatory process which includes a comment period on the draft Rules. Please find the relevant section below:

*"28 (1) The competent authority may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.*

*(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-*

- (i) the cost of the medium or print costs price of the materials to be disseminated under sub-section (4) of section 4;*

- (ii) the fee payable under sub-section (1) of section 6;*
- (iii) the fee payable under sub-section (1) of section 7;*
- (iv) any other matter which is required to be, or may be, prescribed.”*

We also urge you to undertake the following steps as a priority if you have not already done so, before 12 October if at all possible:

- Designate Public Information Officers (PIOs), Assistant Public Information Officers (APIOs) and internal Appellate Authority (AA) as required by s.5 and s.19(1) of the Act.
- Identify training needs of PIOs, APIOs and internal AAs for implementation of the Act and then draw up and implement a training schedule.
- Prepare public information directories as required under the proactive disclosure provisions in s.4(1) of the Act.
- Issue clear guidelines to PIOs explaining what information held by the High Court is likely to be regularly covered by exemptions in s.8(1) of the Act. You may wish to seek assistance from the nodal agency responsible for implementing the Act when issuing such guidelines.
- Issue clear guidelines for PIOs regarding how to determine when exempt information should still be released in the public interest in accordance with s.8 and s.10(i) of the Act. You may wish to seek assistance from the nodal agency responsible for implementing the Act when issuing such guidelines.

For your reference and use, I have enclosed the following documents in relation to the implementation aspects of the RTI Act:

1. Summary of the RTI Act;
2. Template for a public information directory prepared by the Uttaranchal Government and used by other State Governments.;
3. CHRI Draft Rules on the RTI Act;
4. CHRI Frequently Asked Questions (FAQs) on the RTI Act;
5. CHRI Concept Note on Public Education Strategies.

Drawing on our experience, CHRI would be happy to assist you in your preparations and training for implementing the RTI Act. Notably, CHRI has been working on RTI issues for more than eight years and has accumulated considerable best practice expertise in terms of legal drafting and implementation. Since the passage of the Act, we have been invited to conduct training programmes by the Government of India and the State Governments of Uttaranchal, Meghalaya, Nagaland, Tripura, Gujarat, Madhya Pradesh, Chattisgarh and Karnataka. We have also prepared documents and educational materials to assist Governments to implement the RTI Act.

If you wish to discuss this letter or if we can be of any assistance, please do not hesitate to contact me by email at [majadhun@vsnl.com](mailto:majadhun@vsnl.com) or email the RTI team at

[venkatesh@humanrightsinitiative.org](mailto:venkatesh@humanrightsinitiative.org), or telephone on (011) 2685 0523 or (0)9810 199 745.

Yours sincerely

A handwritten signature in black ink, appearing to read 'M Daruwala', with a horizontal line underneath the name.

Maja Daruwala  
Director